

Ohio, Laws, statutes, etc.

LAWS OF OHIO

RELATING TO THE POWERS AND
DUTIES OF

Boards of Health



ISSUED BY THE

Ohio State Board of Health

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STATE BOARD OF HEALTH.

ORGANIZATION, POWERS AND DUTIES.

Section 1232. [State Board of Health, appointment and term of members.] There shall be a state board of health, consisting of eight members, seven of whom shall be appointed by the governor. Each year the governor, with the advice and consent of the senate, shall appoint a member of the board, who shall serve for a term of seven years from the thirteenth day of December. The attorney general shall be ex-officio a member of the board. (99 v. 492 § 1.)

Section 1233. [Organization and meetings.] The state board of health shall meet in Columbus during the month of January of each year and at such other times as it may direct. A majority of its members shall constitute a quorum. The board shall choose one of its members as president, and, subject to the provisions of this chapter, may adopt rules and by-laws for its government. (99 v. 493 § 2.)

Section 1234. [Secretary; expenses.] The state board of health shall elect a secretary who shall perform the duties prescribed by the board and the provisions of this chapter. He may be removed from

office for cause by a vote of a majority of the members of the board. The necessary traveling and other expenses incurred by the secretary in the performance of his official duties shall be paid by the state on the warrant of the auditor of state upon the certificate of the president of the board. (99 v. 493 § 3.)

Section 1235. [Compensation and expenses of members.] Each member of the state board of health shall receive five dollars for each day employed in the discharge of his official duties, and his necessary traveling and other expenses while engaged in the business of the board. The president of the board shall certify the amount of compensation and expenses due each member, and on presentation of a certificate therefor the auditor of state shall draw his warrant on the treasurer of state for the amount certified. (99 v. 493 § 4.)

Section 1236. [Office rooms for Board and secretary.] Suitable rooms for the meetings of the state board of health and the office of its secretary shall be provided by the state. (99 v. 493 § 5.)

Section 1237. [General powers and duties.] The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people and have supreme authority in matters of quarantine, which it may declare and enforce, when none exists, and modify, relax or abolish, when it has been established. It may make special or standing orders or regulations for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as it deems best to control by a general rule. It may make and enforce orders in local matters when emergency exists, or when the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by law. In such cases the necessary expense incurred shall be paid by the city, village or township for which the services are rendered. (99 v. 493 § 6.)

Section 1238. [Enforcement of rules and regulations.] Local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables and other officers and employes of the state or any county, city or township, shall enforce the quarantine and sanitary rules and regulations adopted by the state board of health. (99 v. 493 § 7.)

Section 1239. [Special duties of the Board.] The state board of health shall make careful inquiry as to the cause of disease, especially when contagious, infectious, epidemic or endemic, and take prompt

action to control and suppress it. The reports of births and deaths, the sanitary conditions and effects of localities and employments, the personal and business habits of the people and the relation of the diseases of man and beast, shall be subjects of careful study by the board. It may make and execute orders necessary to protect the people against diseases of lower animals, and shall collect and preserve information in respect to such matters and kindred subjects as may be useful in the discharge of its duties, and for dissemination among the people. When called upon by the state or local governments, or municipal or township boards of health it shall promptly investigate and report upon the water supply, sewerage, disposal of excreta of any locality and the heating, plumbing and ventilation of a public building. (99 v. 494 § 8.)

Section 1240 [Water, sewerage and garbage; approval of the Board required in certain cases; penalty.] No city, village, public institution, corporation or person shall provide or install for public use, a water supply or sewerage system, or purification works for a water supply or sewage, of a municipal corporation or public institution, or make a change in the water supply, water works intake, water purification works of a municipal corporation or public institution, until the plans therefor have been submitted to and approved by the state board of health. No city, village, corporation or person shall establish a garbage disposal or manufacturing plant having a liquid waste which may enter any stream within twenty miles above the intake of a public water supply until the location of such garbage or manufacturing plant, including plans for disposing of such liquid waste, is approved by the state board of health. Whoever violates any provision of this section shall be fined not less than one hundred nor more than five hundred dollars. (99 v. 494 § 9.)

Section 1241. [Chemical and bacteriological laboratory.] The state board of health may establish and maintain a chemical and bacteriological laboratory for the examination of public water supplies, and the effluent of sewage purification works, for the diagnosis of diphtheria, typhoid fever, hydrophobia, glanders and such other diseases as it deems necessary, and for the examination of food suspected to be the cause of disease. The board shall examine and report each year the condition of all public water supplies. (99 v. 494 § 11.)

Section 1242. [Secretary to have charge of laboratory.] The secretary of the state board of health shall have charge of the laboratory authorized by the preceding section. The board may employ an assistant for the laboratory who shall be a person skilled in chemistry and bacteriology, and receive for his services such compensation as the board may allow. All expenses of such laboratory shall be paid from appropriations made for the board. (99 v. 495 § 12.)

Section 1243. [Report as to contagious or infectious diseases.]

Boards of health, health authorities or officials, and physicians in localities where there are no health authorities or officials, shall report to the state board of health promptly upon the discovery thereof, the existence of any one of the following diseases: asiatic cholera, yellow fever, small-pox, scarlet fever, diphtheria, membranous croup, typhus or typhoid fever, and such other contagious or infectious diseases as the state board specifies. (99 v. 495 § 13.)

Section 1244. [Powers of Board when local authorities fail to act.] When a contagious or infectious disease becomes or threatens to become epidemic in a city, village or township, and the local authorities neglect or refuse to enforce efficient measures for its prevention, the state board of health or its secretary, on the order of its president, may appoint a medical or sanitary officer and such assistants as he may require, and authorize him to enforce such orders or regulations as the board or its secretary deems necessary. (99 v. 495 § 14.)

Section 1245. [Annual conferences; expenses of delegates.] The state board of health may make provision for annual conferences of health officers and representatives of local boards of health for the consideration of the cause and prevention of dangerous communicable diseases and other measures to protect and improve the public health. Each board of health or other body or person appointed or acting in the place of a board of health shall appoint a delegate to such annual conferences. The city, village or township shall pay the necessary expenses of such delegate upon the presentation of a certificate from the secretary of the state board that the delegate attended the sessions of such conferences. (99 v. 495 § 15.)

Section 1246. [Division of conferences.] The state board of health may provide for one annual conference of representatives of city boards of health, another for representatives of village boards of health, and one or more for representatives of township boards of health, or make such other division of conferences as it deems best. No conference shall continue in session longer than three consecutive days, and no board of health shall be required or authorized to send a delegate to more than one conference in any year. (99 v. 495 § 16.)

Section 1247. [Prosecutions and proceedings.] All prosecutions and proceedings by the state board of health for the violation of a provision of this chapter which the board is required to enforce, or for the violation of any of the orders or regulations of the board, shall be instituted by its secretary on the order of the president of the board. The laws prescribing the modes of procedure, courts, practice, pen-

alties or judgments applicable to local boards of health, shall apply to the state board of health and the violation of its rules and orders. All fines or judgments collected by the board shall be paid into the state treasury to the credit of such board. (99 v. 495 § 17.)

Section 1248. [Annual report.] Each year, the state board of health shall make a report to the governor, which must include so much of the proceedings of the board, such information concerning vital statistics and diseases, such instructions on the subject of hygiene for dissemination among the people and such suggestions as to legislation as it deems proper. The board shall include in its annual report a full statement of all examinations made in its chemical and bacteriological laboratory, with a detailed account of all expenses so incurred. (99 v. 496 § 18.)

PUBLIC WATER SUPPLY.

Section 1249. [Complaint; by whom made; duty State Board.] Whenever the council or board of health of a city or village, the commissioners of a county, or the trustees of a township set forth in writing to the state board of health, that a city, village, corporation or person is permitting to be discharged sewage or other waste into a stream, water course, lake or pond and is thereby creating a public nuisance detrimental to health or comfort, or is polluting the source of any public water supply, the state board of health shall forthwith inquire into and investigate the conditions complained of. (99 v. 74 § 1.)

Section 1250. [Findings of Board; hearing.] If the state board of health finds that the source of public water supply of a city, village or community is subject to contamination, or has been rendered impure from the discharge of sewage or other wastes, or in any other manner by a city, village, corporation or person, that such sewage or other wastes have so corrupted a stream, water course, lake or pond as to give rise to foul and noxious odors, or to conditions detrimental to the health or comfort of those residing in the vicinity thereof, it shall notify such city, village, corporation or person causing such contamination or pollution of its findings and give an opportunity to be heard. (99 v. 74 § 1.)

Section 1251. [Order of Board; approval of governor and attorney general.] After such hearing, if the state board of health determines that improvements or changes are necessary and should be made, it shall report its findings to the governor and attorney general, and, upon their approval, the board shall notify such city, village, corporation or person to install works or means, satisfactory to the board, for

purifying or otherwise disposing of such sewage or other wastes, or to change or enlarge existing works in a manner satisfactory to the board. Such works or means must be completed and put in operation within a time fixed by the board, which time shall be subject to the approval of the governor and attorney general. But no city or village discharging sewage into a river which separates the state of Ohio from another state shall be required to install sewage purification works so long as the unpurified sewage of cities or villages of another state is discharged into such river above such city or village of this state. (99 v. 75 § 1.)

Section 1252. [Complaint of impure water supply.] Whenever the board of health or health officer of a city or village, or ten per cent of the electors thereof file with the state board of health a complaint in writing, setting forth that it is believed that the public water supply of such city or village is impure and dangerous to health, the state board of health shall forthwith inquire into and investigate the conditions complained of. (99 v. 75 § 2.)

Section 1253. [Notice and hearing.] If the state board of health finds that the public water supply of a city or village is impure and dangerous to health and that it is not practicable to sufficiently improve the character of such supply by removing the source or sources of pollution affecting it, or if the board finds that such water supply is being rendered impure by reason of improper construction or inadequate size of existing water purification works, it shall notify such city, village, corporation or person owning or operating such water supply of its findings and give them an opportunity to be heard. (99 v. 75 § 2.)

Section 1254. [May require changes on approval of governor and attorney general.] After such hearing, if the state board of health determines that improvements or changes are necessary and should be made, it shall report its findings to the governor and attorney general, and upon their approval, the board shall notify such city, village, corporation or person owning or operating such water supply to change the source of supply or to install and place in operation water purification works or device satisfactory to the board, or to change or enlarge existing water purification works in a manner satisfactory to the board within a time to be fixed by the board, which time shall be subject to the approval of the governor and attorney general. (99 v. 75 § 2.)

Section 1255. [Order for improvement of water works.] When the state board of health finds, upon investigation, that any water or sewage purification works, on account of incompetent supervision or inefficient operation, is not producing an effluent as pure as might rea-

sonably be obtained from such plant, and by reason of which any public water supply has become dangerous to health, or any stream or body of water has become offensively polluted, or has become a public nuisance, the board shall issue an order to the officer, board or department of a city or village, or the corporation or person having charge of or owning such plant, to secure an effluent as pure as might be reasonably expected from such plant and satisfactory to the board. (99 v. 76 § 3.)

Section 1256. [Operation of plant.] If such officer, board or department of such city, village, corporation or person fails, for a period of five days after receiving such order, to secure such effluent, the state board of health shall report the fact to the governor and attorney general and upon their approval may order such officer, board or department, or owner of such plant, to appoint within ten days, and pay the salary of, a competent person, to be approved by the state board of health to take charge of and operate such works so as to secure the results demanded by the board. (99 v. 76 § 3.)

Section 1257. [Appeal and reference.] If an order of the state board of health, when approved by the governor and attorney general, and made in pursuance of the provisions of this chapter relating to public water supply, is not acceptable to any city, village, corporation or owner affected thereby, such city, village, corporation or owner shall have the right of appeal, as follows: The necessity and reasonableness of such order may be submitted to two reputable and experienced sanitary engineers, one to be chosen by such city, village, corporation or owner, and the other by the board, who shall not be a regular employe. Such examiners shall act as referees. If the engineers so chosen are unable to agree, they shall choose a third engineer of like standing, and the vote of the majority shall be final. (99 v. 76 § 4.)

Section 1258. [Power of referees; expenses.] Such referee engineers may affirm, modify, or reject the order of the state board of health submitted to them, and their decision, as reported in writing to the governor and attorney general, which shall be rendered within a reasonable time, shall be accepted by the state board of health, and shall be enforced by the board in the manner provided for in this chapter. The fees and expenses of the referee engineers shall be equally divided between the city, village, corporation or owner requesting such reference and the state board of health. (99 v. 76 § 4.)

Section 1259. [How funds procured.] Each municipal council, department or officer having jurisdiction to provide for the raising of revenues by tax levies, sale of bonds, or otherwise, shall take all steps

necessary to secure the funds for any such purpose or purposes. When so secured, or the bonds thereof have been authorized by the proper municipal authority, such funds shall be considered as in the treasury and appropriated for such particular purpose or purposes, and shall not be used for any other purpose. The bonds authorized to be issued for such purpose shall not exceed five per cent of the total value of all property in any city or village, as listed and assessed for taxation, and may be in addition to the total bonded indebtedness otherwise permitted by law. The question of the issuance of such bonds shall not be required to be submitted to a vote. (99 v. 77 § 5.)

Section 1260. [Forfeiture for failure to obey orders.] If a council, department or officer of a municipality, or person or private corporation fails or refuses for a period of thirty days, after notice given him or them by the state board of health of its findings and the approval thereof by the governor and attorney general, to perform any act or acts required of him or them by this chapter relating to public water supply, the members of such council or department, or such officer or officers, person or private corporation shall be personally liable for such default, and shall forfeit and pay to the state board of health five hundred dollars to be deposited with the state treasurer to the credit of the board. The governor and attorney general, upon good cause shown, may, in their discretion, remit such penalty, or any part thereof. (99 v. 77 § 6.)

Section 1261. [How action may be brought.] An action may be begun for the recovery of such penalty by the prosecuting attorney of a county in the name of the state in the court of common pleas of such county having jurisdiction of any such party or parties; or it may be begun by the attorney general in such county or in the county of Franklin, as provided by law. (99 v. 77 § 7.)

STATE INSPECTOR OF PLUMBING.

Ohio Laws, vol. 101, page 395.

Section 1261-1. [State inspector of plumbing.] There shall be, and is hereby, established and created in this state the office of state inspector of plumbing, under the direction and supervision of state board of health.

Section 1261-2. [Appointment; qualifications; rules and regulations.] It shall be the duty of the state board of health, within ninety days after the passage and approval of this act, to appoint an elector of this state to fill the office of state inspector of plumbing, and to hold office until such a time as his successor may be appointed and qualified. The person so appointed must be a plumber with at least ten years' experience. The state board of health shall have the power to make and enforce rules and regulations governing plumbing to carry out the provisions of this act.

Section 1261-3. [Duties; exceptions.] It shall be the duty of said inspector of plumbing, as often as instructed by the state board of health, to inspect any and all public or private institutions, sanitariums, hospitals, schools, prisons, factories, workshops, or places where men, women or children are or might be employed, and to condemn any and all unsanitary or defective plumbing that may be found in connection therewith, and to order such changes in the method of construction of the drainage and ventilation, as well as the arrangement of the plumbing appliances, as may be necessary to insure the safety of the public health.

Such inspector shall not exercise any authority in municipalities or other political subdivisions wherein ordinances or resolutions have been adopted by the proper authorities regulating plumbing or prescribing the character thereof.

Section 1261-4. [Inspections.] He shall hold himself in readiness at any and all times to go to any part of the state if so directed by the state board of health, for the purpose of making a sanitary inspection of any building or other place that they have reason to believe is in such a condition as to be a menace to the public health.

Section 1261-5. [Certificates of inspection.] When any building is found to be in a sanitary condition or when changes which are ordered in the plumbing, drainage or ventilation have been made, and after a thorough inspection on approval by said inspector of plumbing, he shall issue a certificate signed by himself and countersigned by the state board of health, which must be posted in a conspicuous place for

the benefit of the public at large. Upon notification by said inspector, said certificate shall be revoked for any violation of this act.

Section 1261-6. [Fees.] For each inspection and certificate so issued, except on inspections of state buildings or structures, he shall charge a fee of five dollars, such fee to be turned into the state treasury. If upon first inspection such work is found in sanitary condition, no charge is to be made for such inspection or certificate.

Section 1261-7. [Bond; approval.] Within ten days after his appointment the said inspector shall give a bond, payable to the state of Ohio, for the faithful performance of his duties in the sum of five thousand dollars. Said bond, when approved by the attorney general shall be deposited with the auditor of state.

Section 1261-8. [Not to engage in plumbing business.] The inspector so appointed shall not, during his term of office, be engaged or interested in the plumbing business or the sale of any plumbing supplies, nor shall he act as agent, directly or indirectly, for any person or persons so engaged.

Section 1261-9. [Compensation.] He shall receive for his services a salary of eighteen hundred dollars per annum, payable monthly and all necessary expenses.

Section 1261-10. [Authority to enter buildings.] He shall have the power between sunrise and sunset to enter any public building where he has good and sufficient reason to believe that the sanitary condition of such premises is such as to endanger the public health, for the purpose of making such inspection as may be necessary to ascertain the condition of the same.

Section 1261-11. [Reports.] He shall report promptly to the state board of health the condition of all premises inspected by him; also the number of inspections and changes ordered, as well as any other information with his office, that they may require.

Section 1261-12. [Office, etc.] He shall be provided with a suitable office in the city of Columbus, as well as with all necessary apparatus for making tests, and such stationery as the business of his office may require.

Section 1261-13. [Duty of owners of buildings.] It shall be the duty of any owner, agent or manager, of any public building where an inspection is ordered by said inspector of plumbing to cause or have the

entire system of drainage and ventilation repaired, as he may direct. After due notice to repair such work, it shall be the duty of said owner, agent or manager to notify said inspector of plumbing that such work is ready for his inspection. Failing to have the work ready for inspection at specified time of such notice, he will be subject to such penalty as hereinafter provided.

Section 1261-14. [Penalty.] Any person or persons, owner, agent or manager refusing, failing or neglecting to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than ten nor more than one hundred dollars, or imprisoned for not less than ten nor more than ninety days or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

Section 1261-15. [Arrest and prosecution.] It shall be the duty of said inspector of plumbing upon receipt of the knowledge that any part of this act has been violated to go before any justice of the peace and cause the arrest and prosecution of all persons of whom he has reason to believe are guilty of such violation.

BOARD OF HEALTH. CITIES AND VILLAGES.

ORGANIZATION AND POWERS.

Section 4404. [Board of health, appointment.] The council of each municipality shall establish a board of health, composed of five members to be appointed by the mayor and confirmed by council who shall serve without compensation and a majority of whom shall be a quorum. The mayor shall be president by virtue of his office. But in villages the council, if it deems advisable, may appoint a health officer, to be approved by the state board of health who shall act instead of a board of health, and fix his salary and term of office. Such appointee shall have the powers and perform the duties granted to or imposed upon boards of health, except that rules, regulations or orders of a general character and required to be published, made by such health officer, shall be approved by the state board of health. (97 v. 460 § 187.)

Section 4405. [When state board may appoint officer for municipality.] If a municipality fails or refuses to establish a board of health or appoint a health officer, the state board of health may appoint a health officer therefor and fix his salary and term of office. Such health officer shall have the same powers and duties as health officers appointed in villages in place of a board of health, and his salary as fixed by the state board of health, and all necessary expenses incurred by him in performing the duties of a board of health shall be paid by and be a valid claim against such municipality. (97 v. 460 § 187.)

Section 4406. [Term of office of members.] The term of office of the members of the board shall be five years from the date of appointment, and until their successors are appointed and qualified, except that those first appointed shall be classified as follows: One to serve for five years, one for four years, one for three years, one for two years, and one for one year, and thereafter one shall be appointed each year. (R. S. Sec. 2114.)

Section 4407. [President pro tem; meetings.] The board of health in municipalities shall elect one of their number president pro tem, who shall preside in the absence of the mayor, and shall do and perform all duties incumbent upon the president. The board shall meet for the transaction of business at least once in each calendar month, and as much oftener as is necessary for the prompt and thorough transaction of its business. Special meetings of the board shall be called by the president or three members thereof. (R. S. Sec. 2116.)

Section 4408. [Board shall appoint health officer, clerk and physicians.] The board of health shall appoint a health officer, who shall be the executive officer. He shall furnish his name, address and other information required by the state board of health. The board may appoint a clerk, and with the consent of council, as many ward or district physicians, or one ward physician for each ward in the city as it deems necessary. (R. S. Sec. 2115.)

Section 4409. [Duties of clerk; records.] The clerk of the board shall keep a full and accurate record of proceedings of the board, together with a record of cases of contagious diseases, reported to the health officer, and at the expiration of his term of office shall turn over to his successor, books, records, papers, and other matter belonging to the board. Each board of health, or the health officer where there is no board of health, shall procure suitable books, blanks, and other things actually necessary to the transaction of its business. Among the books to be procured and kept shall be a suitable book or books for the registration of cases of infectious or contagious diseases. (R. S. Sec. 2116.)

Section 4410. [Ward or district physicians.] Each ward or district physician shall care for the sick poor and each person quarantined in his ward or district when such person is unable to pay for medical attendance, and for all persons sent from his ward or district to the municipal pest house when such persons are unable to pay for medical attendance. (R. S. Sec. 2115.)

Section 4411. [Sanitary police; powers; number.] The board may also appoint as many persons for sanitary duty as in its opinion the public health and sanitary condition of the corporation require, and such persons shall have general police powers, and be known as the sanitary police, but the council may determine the maximum number of employees so to be appointed.

Section 4412. [Salaries and duties; suspension; hearing.] The board shall have exclusive control of its appointees, define their duties and fix their salaries, but no member of the board of health shall be appointed as health officer nor shall a member of the board of health not [nor] the health officer be appointed as one of the ward physicians. The board may suspend, but not remove, any member of the sanitary police now serving or hereafter appointed for cause authorizing the dismissal of any person in the classified service, and shall certify such fact together with the cause of such suspension, to the civil service commission, who, within five days from the receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon and such judgment in the matter shall be final.

Section 4413. [Orders and regulations.] The board of health of a municipality may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. Orders and regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded and certified as are ordinances of municipalities, and the record thereof shall be given, in all courts of the state, the same force and effect as is given such ordinances. (R. S. Sec. 2118.)

Section 4414. [Penalty for violation.] Whoever violates any provision of this chapter, or any order or regulation of the board of health made in pursuance thereof, or obstructs or interferes with the execution of such order, or wilfully or illegally omits to obey such order, shall be fined not to exceed one hundred dollars or imprisoned for not to exceed ninety days, or both, but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the affidavit upon which the prosecution is instituted, contains the allegation that the offense is a second or repeated offense. (R. S. Sec. 2119.)

Section 4415. [Violation by a corporation.] If such violation, obstruction, interference or omission be by a corporation, it shall forfeit and pay to the proper municipality a sum not to exceed three hundred dollars, to be collected in a civil action brought in the name of the municipality. Any officer of such corporation having authority over the matter, and permitting such violation, shall be subject to fine or imprisonment, or both, as heretofore provided. The judgment herein authorized being in the nature of a penalty, or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the amount by reference to all the facts, culpatory, exculpatory, or extenuating, adduced upon the trial. (R. S. Sec. 2120.)

Section 4416. [Prosecution; how instituted.] Prosecutions under this chapter and the civil action provided for in the preceding section, shall be instituted before a justice of the peace within the county, or justice of the peace, mayor or police judge of the municipality where the offense was committed, or the offending person resides. (R. S. Sec. 2121.)

Section 4417. [Trial by jury.] If imprisonment is or may be a primary penalty, the court shall, after plea of not guilty, unless a trial by jury is waived, issue a venire to any constable of the county, containing the names of sixteen electors residing within the county, to

serve as jurors to try such cause. Each party shall be entitled to two peremptory challenges, and challenges for cause in all particulars, as in criminal cases in the court of common pleas. If the sixteen names are exhausted without obtaining a panel of twelve, the court may direct the constable to summon any of the bystanders to fill the panel to twelve, or on demand shall issue other venires for four electors at a time, until the panel of twelve is full. (R. S. Sec. 2121.)

Section 4418. [Fines and costs.] In prosecutions under this chapter, no deposits for costs shall be required. A judgment or verdict of guilty shall be immediately followed by sentence and execution thereof, unless suspended pending the preparation and allowance of a bill of exceptions. All fines collected under this chapter shall be paid to the treasurer of the municipality and credited to the sanitary fund of the board of health instituting the prosecution. No fine imposed in any prosecution under this section shall be remitted by the magistrate before whom the complaint is made. (R. S. Sec. 2121.)

Section 4419. [Vital statistics.] The board of health may create a complete and accurate system of registration of births, marriages, deaths, and interments occurring within its jurisdiction for the purpose of legal and genealogical investigations, and to furnish facts for statistical, scientific or sanitary inquiries. (R. S. Sec. 2141.)

NUISANCES.

Section 4420. [Abatement of nuisances by board of health.] The board of health shall abate and remove all nuisances within its jurisdiction. It may by order therefor compel the owners, agents, assignees, occupants, or tenants of any lot, property, building or structure to abate and remove any nuisance therein, and prosecute them for neglect or refusal to obey such orders. Except in cities having a building department, or otherwise exercising the power to regulate the erection of buildings, the board of health may regulate the location, construction and repair of water-closets, privies, cesspools, sinks, plumbing and drains. In cities having such departments or exercising such power, the council by ordinance shall prescribe such rules and regulations as are approved by the board of health, and shall provide for their enforcement. (R. S. Sec. 2122.)

Section 4421. [Other powers of the board.] The board of health may also regulate the location, construction and repair of yards, pens and stables, and the use, emptying and cleaning thereof, and of water-closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate. When a building, erection, excavation, premises, business, pursuit,

matter or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board of health, in a condition dangerous to life or health, and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board of health may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent or other person having control thereof, or responsible for such condition, and may prosecute them for the refusal or neglect to obey such order. The board may also, by its officers and employes, remove, abate, suspend, alter, or otherwise improve or purify them and certify the costs and expense thereof to the county auditor, to be assessed against the property, and thereby made a lien upon it and collected as other taxes. (R. S. Sec. 2122.)

Section 4422. [Proceedings where order of board is neglected or disregarded.] When such order of the board of health is neglected or disregarded, in whole or in part, the board may elect to cause the arrest and prosecution of all persons offending, or may elect to do and perform, by its officers and employes, what the offending party should have done. If the latter course is chosen, before the execution of the order of the board is begun, it shall cause a citation to issue, and be served upon the persons responsible, if residing within the jurisdiction of the board, but if not, shall cause it to be mailed by registered letter to such person, if the address is known or can be found by ordinary diligence. If the address cannot be found, the board shall cause the citation to be left upon the premises, in charge of any person residing thereon, otherwise it shall be posted conspicuously thereon. The citation shall briefly recite the cause of complaint, and require the owner or other person or persons responsible to appear before the board at a time and place stated, or as soon thereafter as a hearing can be had, and show cause, if any, why the board should not proceed and furnish the material and labor necessary to, and remove the cause of complaint. (R. S. Sec. 2123.)

Section 4423. [Further proceedings.] If the person or persons cited appear, he or they shall be fully apprised of the cause of complaint and given a fair hearing. The board shall then make such order as it deems proper, and if material or labor is necessary to satisfy the order, and the person or persons cited promise, within a definite and reasonable time, to furnish them, the board shall grant such time. If no promise is made, or kept, the board shall furnish the material and labor, cause the work to be done, and certify the cost and expense to the auditor of the county. If the material and labor are itemized, and the statement is accompanied by the certificate of the president of the board, attested

by the clerk, reciting the order of the board, and that the amount is correct, the auditor shall have no discretion, but shall place the sum against the property upon which the material and labor were expended, which shall, from the date of entry, be a lien upon the property, and be paid as other taxes are paid. (R. S. Sec. 2124.)

Section 4424. [Nuisance or unsanitary conditions on school property may be corrected.] The board of health shall abate all nuisances and may remove or correct all conditions detrimental to health or well-being found upon school property by serving an order upon the board of education, school board or other person responsible for such property, for the abatement of such nuisance or condition within a reasonable but fixed time. A person failing to comply with such order, unless good and sufficient reason therefor is shown, shall be fined not to exceed one hundred dollars. The board may appoint such number of inspectors of schools and school buildings as it deems necessary to properly carry out these provisions. (R. S. Sec. 2137.)

DANGEROUS COMMUNICABLE DISEASES.*

Section 4425. [Quarantine regulations.] In time of epidemic or threatened epidemic, or when a dangerous communicable disease is unusually prevalent, the board of health after a personal investigation by the members or executive officer thereof to establish the facts in the case, and not otherwise, may impose a quarantine on vessels, railroads, stages, or other public or private vehicles conveying persons, baggage or freight, or used for such purpose. It may make and enforce such rules and regulations as such board deems wise and necessary for the protection of the health of the people of the community or state, but the running of any train or car on any steam or electric railroad, or of steamboats, vessels or other public conveyances shall not be prohibited. A true copy of such quarantine rules and regulations adopted by such board of health, shall be immediately furnished by it to the state board of health, and thereafter no change shall be made except by the order of the state board of health or by the local board to meet a new and sudden emergency. (96 v. 80 § 188.)

Section 4426. [When approval of State Board necessary.] The board of health shall not close public highways, prohibit travel thereon, interfere with public officers in the discharge of their official duties not afflicted with or directly exposed to a contagious or infectious disease, nor establish a quarantine of one city, village or township against another city, village or township, as such, without permission first obtained

* NOTE — For penalty for appearance in a public place of person suffering with a contagious disease, and for unlawful disposal of infected property, see sections 12785 and 12786, page 70.

from the state board of health and under regulations established by the state board. (96 v. 80 § 189.)

Section 4427. [Duty to give notice of prevalence of infectious diseases.] Each physician or other person called to attend a person suffering from smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever, or typhoid fever, or any other disease dangerous to the public health, or required by the state board of health to be reported, shall report to the health officer within whose jurisdiction such person is found, the name, age, sex and color of the patient, and the house and place in which such person may be found. In like manner, the owner or agent of the owner of a building in which a person resides who has any of the diseases herein named or provided against, or in which are the remains of a person having died of any such disease, and the head of the family, immediately after becoming aware of the fact, shall give notice thereof to the health officer. (R. S. Sec. 2125.)

Section 4428. [Duty of board thereafter.] When complaint is made or a reasonable belief exists that an infectious or contagious disease prevails in a house or other locality which has not been so reported, the board shall cause such house or locality to be inspected by its health officer, and on discovering that such infectious or contagious disease exists, the board may, as it deems best, send the person so diseased to a quarantine hospital or other place provided for such persons, or may restrain them and others exposed within such house or locality from intercourse with other persons, and prohibit ingress and egress to or from such premises. (R. S. Sec. 2125.)

Section 4429. [Quarantine of person having or exposed to contagious disease.] When a case of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever is reported within its jurisdiction, the board of health shall at once cause to be placed in a conspicuous position on the house wherein such disease occurs a quarantine card having printed on it in large letters the name of the disease within, and prohibit entrance to or exit from such house without written permission from the board of health. No person shall remove, mar, deface or destroy such quarantine card, which shall remain in place until after the patient has been removed from such house, or has recovered and is no longer capable of communicating the disease, and the house and the contents thereof have been properly purified and disinfected by the board of health. (R. S. Sec. 2126.)

Section 4430. [Duration of quarantine.] Each physician attending a person affected with any such disease shall use such precautionary

measures to prevent the spread of the disease as is required by the board of health. No person quarantined by a board of health on account of having a contagious disease, or for having been exposed thereto, shall leave such quarantined house or place without the written permission of the board of health, and where other inmates of such house have been exposed to and are liable to become ill of any of such diseases, for a period thereafter counting from the completion of disinfection, as follows: In diphtheria or membranous croup, fourteen days; in smallpox, seventeen days; in scarlet fever, ten days; in cholera or yellow fever, seven days; in typhus fever, twenty-one days. In cases of measles, chickenpox and whooping cough, or either of them, the board of health may require the same report of cases and may enforce the same quarantine and other preventive measures as are provided for in this chapter in cases of scarlet fever or diphtheria. (R. S. Sec. 2126.)

Section 4431. [Board may employ guards.] The board of health may employ as many persons as it deems necessary to execute its orders and properly guard any house or place containing any person or persons affected with any of the diseases named herein, or who have been exposed thereto, and such persons shall be sworn in as quarantine guards, shall have police powers, and may use all necessary means to enforce the provisions of this chapter for the prevention of contagious or infectious disease, or the orders of any board of health made in pursuance thereof. (R. S. 2126.)

Section 4432. Disinfection of house in which has been contagious disease.] When a person affected with smallpox, yellow fever, typhus fever, diphtheria, membranous croup, or scarlet fever, has recovered and is no longer liable to communicate the disease to others, or has died, the physician shall furnish to the proper board of health a certificate of such recovery or death, and as soon thereafter as the board deems it advisable, its health officer or other person appointed for the purpose shall thoroughly disinfect and purify the house and contents thereof in which such person has been ill or has died, which disinfection and purification shall be done in accordance with the rules and regulations adopted and promulgated by the state board of health. (R. S. Sec. 2128.)

Section 4433. [Disinfection upon request; expenses.] Upon the request of the owner or occupant of a dwelling house, or the head of a family, the board of health shall purify and disinfect any room which has been occupied by any person suffering from pulmonary tuberculosis, commonly called consumption, or room in which any person has died from such disease. The local board of health may purchase such disinfecting apparatus and supplies as it deems necessary for such pur-

pose. The expenses of disinfection shall be paid by the local board of health. (R. S. Sec. 2128.)

Section 4434. [Destruction of infected property.] Such board may destroy any infected clothing, bedding, or other article which can not be made safe by disinfection, and shall furnish to the owner thereof a receipt, of which it shall keep a full and accurate copy, for articles so destroyed, which receipt shall show the number, character, condition and estimated value of the articles destroyed. When a building, hut, or other structure has become infected with smallpox or other dangerous communicable disease, and can not, in the opinion of the board of health, be made safe by disinfection, the board may have such building, hut, or other structure appraised and destroyed. (R. S. Sec. 2128.)

Section 4435. [Compensation for property destroyed.] The council of the municipality, upon the presentation of the original receipt or written statement of the appraisers for articles or houses so destroyed, shall pay to the owner thereof, or other person authorized by the owner to receive it, the estimated value of such destroyed articles, or such sum as the council deems just compensation therefor, and in the event the owner is not satisfied with the amount so allowed he may sue for the value thereof. (R. S. Sec. 2128.)

Section 4436. [Maintenance of person confined in quarantined house.] When a house or other place is quarantined on account of contagious diseases, the board of health having jurisdiction shall provide for all persons confined in such house or place, food, fuel, and all other necessities of life, including medical attendance, medicine and nurses, when necessary. The expenses so incurred, except those for disinfection, quarantine, or other measures strictly for the protection of the public, when properly certified by the president and clerk of the board of health, or health officer where there is no board of health, shall be paid by the person or persons quarantined, when able to make such payment, and when not by the municipality in which quarantined. (R. S. Sec. 2128.)

Section 4436-1. [Contagious or infectious disease in work camp.] That any person, partnership, or corporation, that maintains any work camp, shall pay to any city, village, township or county in which said work camp is maintained, any and all expense caused by any contagious or infectious disease which shall originate or exist in said work camp. (101 v. p. 260.)

Section 4437. [When person residing in quarantined house may attend public gathering.] No person residing in or occupying a house

in which a person is suffering from smallpox, cholera, plague, typhus fever, diphtheria, membranous croup, or scarlet fever, shall be permitted to attend any public, private, or parochial school or college or Sunday school, or any other public gathering, until the quarantine provided for in such diseases has been removed by the board of health. All school principals, Sunday school superintendents, or other persons in charge of such schools, are hereby required to exclude any and all such persons until they present a written permit of the board of health to attend or re-enter such schools. (R. S. Sec. 2129.)

Section 4438. [When a legal resident of another county.] When a person with a contagious disease quarantined in a county is a legal resident of another county of the state, and is unable to pay such expenses, they shall be paid by the county in which he has a legal residence, if notice and a sworn statement of the amount of such expenses are sent to the infirmary directors of such county within thirty days after the quarantine in such case was discharged. (R. S. Sec. 2128.)

Section 4439. [Expense of quarantining county infirmary.] The expenses for quarantining a county infirmary or other county public institution, shall be paid by the county when properly certified by the president and clerk of the board of health or health officer, where there is no board of health, of the municipality in which such institution is located. (R. S. Sec. 2128.)

Section 4440. [Disposal of bodies of persons dying of contagious diseases.] Bodies of persons who have died of smallpox, cholera, plague, yellow fever, typhus fever, diphtheria, membranous croup, scarlet fever or other dangerous contagious or infectious disease, shall be buried or cremated within twenty-four hours after death, unless permission to do otherwise is given in writing by the board of health. No public or church funeral shall be held in connection with the burial of such person, and such body shall not be taken into any church, chapel or other public place. Only adult members of the family and such other persons as are actually necessary may be present at its burial or cremation. (R. S. Sec. 2131.)

Section 4441. [Admission of person suffering from contagious disease to certain institutions.] No person suffering from, who has been exposed to, or is liable to become ill of, smallpox or other contagious disease or infectious disease may be sent to or admitted into a prison, jail, workhouse, infirmary, children's or orphans' homes, state hospital or institution for the insane, epileptic, blind, feeble-minded or deaf and dumb or other state or county benevolent institution without first making known the facts concerning such illness or exposure

to the superintendent, or other person in charge thereof. When smallpox or other dangerous, contagious or infectious disease is in a jail or prison and a prisoner therein exposed to such disease is sentenced to the penitentiary, such prisoner shall be confined and isolated in such jail or prison or other proper place, upon the order of the proper court, for such time as is necessary to establish the fact that he has not contracted such disease. (R. S. Sec. 2132.)

Section 4442. [Contagious disease in public institution.] When smallpox, cholera, yellow fever, diphtheria, scarlet fever or other dangerous, contagious or infectious disease appears in any state, county or municipal, benevolent, correctional or penal institution, the superintendent or manager thereof shall at once isolate the person or persons so affected and enforce the provisions of this chapter for the prevention of contagious diseases, so far as they may apply, and the rules, regulations and orders of the state board of health to that effect. (R. S. Sec. 2132.)

Section 4443. [Temporary buildings.] The trustees or managers of any such institution may erect any necessary temporary building for the reception of such affected persons or for the detention of persons exposed to such diseases and may remove such persons to and confine them in such buildings. (R. S. Sec. 2132.)

Section 4444. [Removal of affected or exposed persons to hospital.] Such trustees or managers may contract for the care, treatment or detention of any such persons with any corporation having a hospital or other proper place for the isolation or care of persons suffering from or exposed to contagious disease and may remove such persons to such hospital or place. In case of persons detained in an institution as punishment for crime, an order for such removal shall be obtained from the court which imposed such punishment. In an order for such removal, the court may require such provisions to be made for safely guarding the prisoner while in such hospital or place as it deems necessary. (R. S. Sec. 2132.)

Section 4445. [Effect of quarantine as to common carriers.] When quarantine is declared, all railroads, steamboats, or other common carriers, and the owners, consignees or assignees of any railroad, steamboat, state or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed and any examination required by a board of health or health officer. They shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives, or passengers and the sanitary condition of the baggage and freight. (R. S. Sec. 2134.)

Section 4446. [Penalty.] Whoever, being an owner, consignee or assignee or other persons interested in any manner set forth in the preceding section, makes an unfounded statement or declaration respecting the points under such examination shall be subjected to the penalties provided by law for violations of the requirements of this chapter and the orders of the state or local boards of health. (R. S. Sec. 2134.)

Section 4447. [How quarantine rules shall apply.] All rules and regulations passed by the board of health or health officer shall apply to all persons, goods or effects arriving by railroad, steamboat or other vehicle of transportation, after quarantine is declared. (R. S. Sec. 2135.)

Section 4448. [Board shall inspect schools and may close them and prohibit public gatherings.] Semi-annually, and oftener if in its judgment necessary, the board of health shall inspect the sanitary condition of all schools and school buildings within its jurisdiction, and may disinfect any school building. During an epidemic or threatened epidemic, or when a dangerous communicable disease is unusually prevalent, the board may close any school and prohibit public gatherings for such time as it deems necessary. (R. S. Sec. 2137.)

Section 4449. [Gratuitous vaccination.] The board of health may take measures and supply agents and afford inducements and facilities for gratuitous vaccination. (R. S. Sec. 2137.)

Section 7686. [Vaccination of pupils.] The board of each district may make and enforce such rules and regulations to secure the vaccination of, and to prevent the spread of smallpox among the pupils attending or eligible to attend the schools of the district, as in its opinion the safety and interest of the public require. Boards of health, councils of municipal corporations, and the trustees of townships, on application of the board of education of the district, at the public expense, without delay, shall provide the means of vaccination to such pupils as are not provided therewith by their parents or guardians. (R. S. Sec. 3986.)

NOTE—This section refers to the powers and duties of boards of education.

Section 7692. [Medical inspection of schools.] Any board of education in a city school district may provide for the medical inspection of pupils attending the public schools. For that purpose it can employ competent physicians, nurses, and provide for and pay all expenses incident thereto from the public school funds, or by agreement with the board of health or other board or officer performing the func-

tions of a board of health for such city. It may provide for medical and sanitary supervision and inspection of the schools which are under the control of such board of education and of the pupils attending such schools, by a competent physician selected by the parent or guardian of the child, but on failure of the parent or guardian, then by the district physicians and other employes to be appointed by such board of health. (R. S. Sec. 4018a.)

Section 7693. [Compensation of inspectors.] A board of education in a city school district making such agreement may provide and pay compensation to the employes of the board of health in addition to that provided by the city. (R. S. Sec. 4018a.)

Section 7644-1. [Tuberculosis schools.] The board of education in any city school district may establish such special elementary schools as it deems necessary for youth of school age who are afflicted with tuberculosis, and may cause all youth, within such district, so afflicted, to be excluded from the regular elementary schools, and may provide for and pay from the school funds, the expense of transportation of such youth to and from such special schools. (101 v. p. 319.)

Section 2500. [Antitoxin; physician may apply for.] When a physician, regularly authorized to practice medicine under the laws of this state, is called upon to treat a person suffering from diphtheria who is in indigent circumstances, or a child suffering from diphtheria whose parents are in indigent circumstances, and he is of the opinion that antitoxin should be administered to such person or child or to others who may have been exposed to the contagion of such disease, he may make application to any health officer within the county therefor. (99 v. 19 § 1.)

Section 2501. [County commissioners to furnish antitoxin.] When satisfied of the indigent circumstances of the persons to be treated, such health officer shall certify the fact to the county commissioners and immediately authorize the attending physician or any druggist to furnish such antitoxin for the persons so to be treated. The antitoxin so furnished shall be paid for upon the allowance of the county commissioners from the general fund of the county. (99 v. 19 § 1.)

Section 4450. [In case of epidemic municipality may borrow and levy tax therefor.] In case of epidemic or threatened epidemic or during the unusual prevalence of a dangerous communicable disease, if funds are not otherwise available, the council of a municipality may borrow any sum of money that the local board of health deems necessary to defray the expenses necessary to prevent the spread of such

disease. Such money may be borrowed until the next levy and collection of taxes is made, at a rate of interest not to exceed six per cent per annum. Thereupon the board may expend the amount so authorized to be borrowed, which amount, or so much thereof as is expended, shall be a valid claim against the municipality from the fund so created. (R. S. Sec. 2138.)

Section 4451. [Duty of council to make levy.] When expenses are incurred by the board of health under the provisions of this chapter, upon application and certificate from such board, the council shall pass the necessary appropriation ordinances to pay the expenses so incurred and certified. The council may levy and set apart the necessary sum to pay such expenses and to carry into effect the provisions of this chapter. Such levy shall, however, be subject to the restrictions contained in this title. (R. S. Sec. 2138.)

QUARANTINE HOSPITALS.

Section 4452. [Hospital for dangerous contagious disease.] The council of a municipality may purchase land within or without its boundaries and erect thereon suitable hospital buildings for the isolation, care or treatment of persons suffering from dangerous contagious disease, and provide for the maintenance thereof. The plans and specifications for such buildings shall be approved by the board of health. (R. S. Sec. 2130.)

Section 4453. [Expense of such buildings; bond issue.] If, at an election held for that purpose, two-thirds of the votes cast are in favor thereof, the council may issue bonds and apply the proceeds thereof to such purposes. Such bonds may not exceed in amount twenty-five thousand dollars, with a rate of interest not to exceed five per cent per annum and the principal shall be paid within ten years. After the erection of such buildings, the council each year may make such appropriations for their care, use and maintenance as in its judgment are necessary. (R. S. Sec. 2130.)

Section 4454. [Board of health shall have charge and control.] Such buildings shall be under the care and control of the board of health. The board shall appoint all employes or other persons necessary to the use, care and maintenance thereof and regulate the entrance of patients thereto and their care and treatment. (R. S. Sec. 2130.)

Section 4455. [Who may be removed to such hospital.] When a person, suffering from a dangerous contagious disease, is found in a hotel, lodging house, boarding house, tenement house or other public

place in the municipality, the board of health, if it deems it necessary for the protection of the public health, may remove such person to such hospital, where all needful provisions shall be made for his care and treatment, and, if able, the expense so incurred shall be paid by him. (R. S. Sec. 2130.)

Section 4456. [Quarantine hospital.] A municipality may establish a quarantine hospital within or without its limits. If without its limits, the consent of the municipality or township shall be first obtained, but such consent shall not be necessary if the hospital is more than eight hundred feet from any occupied house or public highway. When great emergency exists, the board of health may seize, occupy and temporarily use for a quarantine hospital, a suitable vacant house or building within its jurisdiction. The board of health of a municipality, having a quarantine hospital, shall have exclusive control thereof. (R. S. Sec. 2130.)

Section 4457. [Erection of buildings, destruction of property.] The board of health may erect temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or freight supposed to be infected, and may employ nurses, physicians and laborers sufficient to operate them and sufficient police to guard them. Such board may cause the disinfection, renovation or destruction of bedding, clothing or other property belonging to corporations or individuals when such action is deemed necessary by the board or a reasonable precaution against the spread of contagious or infectious diseases. (R. S. Sec. 2136.)

FOOD AND SUPPLIES.

Section 4458. [Inspectors, appointments and duties.] The board of health may appoint, define their duties and fix the compensation of, such number of inspectors of dairies, slaughter houses, shops, wagons, appliances, food and water supplies for animals, milk, meat, butter, cheese, and substances purporting to be butter or cheese, or having the semblance of butter or cheese, and such other persons as is necessary to carry out the provisions of this chapter, and such inspectors for such purposes may enter any house, vehicle or yard. The board may appoint and authorize the health officer to perform the duties of such inspectors. (R. S. Sec. 2139.)

Section 4459. [Record of meat and milk dealers; permit from board.] The board of health shall keep for public inspection a record of the names, residences and places of business of all persons engaged in the sale of milk or meat, and may require permits, after inspection, to vend either milk or meat to be renewed semi-annually, for which

a charge of not more than fifty cents may be made. If, upon the inspection, the cows, or milk are found to be kept in an unsanitary condition, the board may refuse to grant such permit or revoke one already given. The board may require a certificate from a licensed veterinarian that the cows furnishing milk brought for sale within its jurisdiction are free from tuberculosis or other dangerous disease. (R. S. Sec. 2139.)

Section 4460. [Duty of dairyman or vender of milk in case of certain diseases.] In case scarlet fever, typhoid or other dangerous contagious or infectious disease should occur in the family of a dairyman or among his employes, or in a house in which milk is kept for sale, such dairyman or vender of such milk shall immediately notify the health officer of the municipality in which such milk is sold or offered for sale of the facts of the case, and the health officer may order the sale of such milk stopped pending an investigation and for such time thereafter as the board of health may require. The investigation shall be made without delay, and the board of health may make and enforce such orders as it deems necessary to prevent the sale of impure, adulterated and unwholesome milk or milk liable to carry disease. (R. S. Sec. 2139.)

Section 4461. [Inspection of dairies and places where dairy products are made.] All dairies, including the cows, cow stables, milk houses and milk vessels, the owners of which offer for sale within the limits of the corporation any milk or butter manufactured by such owners, and any manufactory of butter or cheese or place where such substances, or either of them, are sold shall be subject to inspection by the inspectors. Such inspectors may enter any place where milk is sold or kept for sale and any vehicles used for the conveyance of milk within the corporate limits. They may also enter any manufactory or place where butter or cheese, or substances having the semblance of butter or cheese, are manufactured, or any place where such substances are sold or kept for sale within the corporate limits. (R. S. Sec. 2140.)

Section 4462. [Test or analysis of dairy products.] When an inspector has reason to believe that milk found in such municipality is impure or adulterated, or that any butter or cheese, or substance having the semblance of butter or cheese, found therein contains any impure, unwholesome or deleterious substance; or is being sold or offered for sale under a false or deceptive name or designation, or that any butter or cheese is not made from pure cream or milk, or that any substance having the semblance of butter or cheese is being sold or offered for sale without being branded or stamped, as required by

law, he shall take specimens thereof and subject them to satisfactory tests, or, if the board of health so direct, to chemical analysis. The result of such test or analysis shall be recorded and preserved as evidence by such inspector and a certificate, sworn to by the analyst shall be admissible in evidence in prosecutions under this chapter or any law of the state. (R. S. Sec. 2140.)

Section 4463. [Employment of scavengers.] The council may empower the board of health to employ such number of scavengers for the removal of swill, garbage and offal from the houses, buildings, yards and lots within the municipality, as it deems necessary. In such case the board may make contracts therefor, subject to the approval of council, to be signed by the proper officers of the council, and may regulate the work to be done. Upon the request of the board of health, it shall be the duty of council to lease or purchase suitable lands, the location of which shall be approved by the board of health, to be used as a dump ground for such and other noxious substances removed from the municipality. (R. S. Sec. 2142.)

Section 4464. [Board may regulate the sale of ice for domestic use.] No ice shall be cut to be sold or used for domestic purposes in a municipality from a pond, lake, creek or river within the limits of such municipality unless a permit therefor is first obtained from the board of health thereof. No person shall sell or deliver ice in a municipality for domestic purposes unless a permit therefor is first obtained from the board of health thereof. Such board may refuse a permit or revoke a permit theretofore granted when, in its judgment, such ice would be detrimental to public health. (95 v. 330 § 2.)

Section 4465. [Board may prohibit sale of ice for domestic purposes.] The board of health may prohibit the sale or use of any ice for domestic purposes within the limits of the municipality when, in its judgment, it is unfit for use and the use thereof would be detrimental to public health. The board may prohibit, and, through its officers, stop, detain and prevent the bringing of any such ice for the purpose of sale or use for domestic purposes into the limits of the municipality and in the same manner stop, detain and prevent the sale of such ice for domestic purposes within the limits of the municipality when, in its judgment, the use thereof would be detrimental to public health. (95 v. 330 § 3.)

Section 4466. [Penalty.] Whoever violates any provision of the preceding two sections or an order or regulation of the board of health made in pursuance thereof, shall be fined not to exceed one hundred dollars. (95 v. 330 § 4.)

SANITARY PLANT.

Section 4467. [Term "sanitary plant" defined.] The term "sanitary plant," as used herein, shall mean a structure with necessary land, necessary fixtures, appliances and appurtenances required for the treatment, purification and disposal in a sanitary manner of either or both the liquid or solid wastes of the municipality. (R. S. Sec. 2143.)

Section 4468. [Municipality may obtain plans and real estate for sanitary plant.] Upon the recommendation of the board of health of a municipality, or, if the powers of such board have been vested in any other officer or board, upon the recommendation of such officer or board, the council may cause plans and estimates to be prepared and acquire by condemnation or otherwise such land or lands within or without the corporate limits as are necessary to provide for the proper disposal in a sanitary manner of the sewage, garbage and waste matters, and either or any of them, of the municipality. (R. S. Sec. 2143.)

Section 4469. [Approval of State Board of Health necessary.] Upon obtaining the approval of the state board of health, the council may contract for, erect and maintain a sanitary plant or plants on the lands so acquired with all necessary buildings, machinery, appliances and appurtenances for the treatment, purification and disposal in a sanitary and economic manner of the sewage or garbage, nightsoil, dead animals, offal, spoiled meats and fish or other putrid substances or any liquid or solid wastes or any substance injurious to the health of the municipality. (R. S. Sec. 2143.)

Section 4470. [Council may contract for removal of waste substance; expense thereof.] The council may contract for a period of not to exceed five years for the collection and removal of such garbage, nightsoil, dead animals, and other solid waste substances at the expense of the municipality or at the expense of persons responsible for the existence of such waste substances. R. S. Sec. 2144.)

Section 4471. [How funds raised for such purposes.] For such purpose the council may use any funds raised and necessary therefor, and, in case no funds are available and no bonds have been authorized for such purposes and it becomes necessary to issue and sell bonds for such purposes, the question of issuing bonds of a municipality shall be submitted at an election therefor, conducted in the same manner as in case of the issue of other bonds of the municipality for specific purposes in excess of the legal limit. A majority of votes cast shall be sufficient to authorize the municipality to issue bonds under this section. The council shall not issue such bonds unless a major-

ity of the qualified electors of the municipality voting are in favor thereof. (R. S. Sec. 2145.)

Section 4472. [Appointment of a sanitary board.] Before submitting such proposition to a vote of the people, the council by resolution may determine to have all the work in connection with the erection and maintenance of such sanitary plant and the acquisition of the necessary real estate therefor put under the control of a sanitary board, which shall be appointed before such vote is taken. (R. S. Sec. 2146.)

Section 4473. [How sanitary board chosen.] The sanitary board shall consist of two citizens from each of the two political parties casting the highest vote at the last preceding municipal election, who shall be appointed by the mayor, with the consent and approval of the council, and shall serve for a term of two years and until their successors are duly appointed. (R. S. Sec. 2146.)

Section 4474. [Compensation and powers of sanitary board.] The sanitary board shall have such reasonable compensation as the council of the municipality prescribes. It shall have entire control of the erection and maintenance of the sanitary plant and the purchase of the necessary real estate therefor on behalf of the municipality. In its discretion it may modify the original plans and specifications, subject to the approval of the state board of health, but the total cost thereof shall not exceed the original estimate. (R. S. Sec. 2146.)

Section 4475. [Levy for sanitary fund.] To provide a fund for the payment of the principal and interest of the bonds, issued under these provisions, and to maintain such sanitary plant or plants, the council, in addition to the other levies authorized by law, may levy annually a sufficient tax therefor on all the property subject to taxation in the municipality, which shall be levied and collected in the same manner as other taxes. The proceeds thereof shall constitute "the sanitary fund" of the municipality, and shall be held like other funds thereof, subject only to the written order of the council or sanitary board which has control of the work. (R. S. Sec. 2147.)

REPORTS.

Section 4476. [Annual and special reports.] On or before the fifteenth day of January of each year, the board of health or health department shall make a report in writing for the preceding calendar year to the council of the municipality and to the state board of health. Such report shall be upon the sanitary condition and prospects of such municipality, and shall contain the statistics of deaths, the action of

the board and its officers and agents and the names thereof. It shall contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health. Such board of health and health departments shall promptly furnish any special report called for by the state board of health. (R. S. Sec. 2148.)

CONSTRUCTION OF CESSPOOLS, PRIVY VAULTS AND RESIDENTAL SEWAGE DISPOSAL PLANTS.

(The following sections 12600-255 to 12600-273, inclusive, are taken from the Ohio State Building Code and it is the duty of all building departments, local boards of health and health officers to see that these provisions of the Code are enforced. [O. L. v. 102 pp. 714-728.]

Title 16.

CESS POOLS.

Section 12600-255. [Cess pools permitted.] Tight or leaching cess pools may be used to receive the discharge from water closets and sinks only when written permission to that effect has been secured from the local board of health of the city in which the same is constructed, if in a city; and if not, then by the Ohio state board of health, and such permission can be given only when a public sewerage system is not available.

Section 12600-256. [Cess pools prohibited.] No cess pools for sewage shall be constructed where a sewer is available nor shall any connection from such cess pool be made with any sewer.

Cess pools now existing in premises accessible to a sewer, and cess pools that may hereafter become accessible to a sewer must be discontinued, emptied of their contents, cleaned and be filled with earth or ashes and the house sewer shall be disconnected from the old cess pool and be reconnected with the public sewer.

Section 12600-257. [Sewage cess pools.] Where a public sewer is not available, and written authority has been secured from the proper board of health (see section 1) to construct such cess pool and there is sufficient grounds for the purpose, a water tight cess pool may be used to receive the discharge of house sewage, which may be overflowed to a leaching cess pool, providing there is no danger of contaminating a water supply, well or spring and the soil is of an absorbent character. Otherwise a tight cess pool shall only receive the discharge from water closets and sinks and the waste from all other fixtures shall discharge to a surface water course.

Section 12600-258. [Tight cess pools.] A water tight cess pool for drainage shall not be less than six (6) feet in diameter by ten (10) feet deep in clear, or its equivalent oval, built of cast iron; hard brick, eight (8) inches thick laid in Portland cement mortar and plastered on the inside with a one (1) inch coat of Portland cement mortar; or Portland cement concrete eight (8) inches thick, and made water tight.

Section 12600-259. [Leaching cess pools.] A leaching cess pool shall not be less than the dimensions of the water tight cess pool, lined with dry brick or stone, viz.: without mortar.

Section 12600-260. [Ring and cover.] Tight and leaching cess pools shall be provided with a twenty (20) inch cast iron ring and cover.

Section 12600-261. [Location of cess pools.] No tight cess pool shall be placed within two (2) feet or any lot or twenty (20) feet of any building or cistern or thirty (30) feet from any well, spring or other source of water supply used for drinking or culinary purposes and shall be maintained tight.

No leaching cess pool shall be placed with one hundred (100) feet of any dwelling or water tight cistern or within three hundred (300) feet of the source of any water supply.

Section 12600-262. [Cess pool vents.] Tight cess pools shall be vented with four (4) inch cast iron vent pipe extending not less than ten (10) feet above the ground and not less than twenty (20) feet from any window, door or other opening in buildings used for human habitation.

Section 12600-263. [Piping.] The outlet from the tight cess pool shall be through a deep invert the same size as the house sewer and the piping between the tight and leaching cess pool may be either of earthenware or cast iron.

Title 17.

SEPTIC TANKS.

Section 12600-264. [Permission to construct and use.] Septic tanks and filtration beds can be constructed only after the site has been inspected and the plans and specifications for the construction of the same approved by the Ohio state board of health, and no such tank or bed can be used to receive human or animal excreta until after the construction and equipment of the same has been approved in writing by the Ohio state board of health.

Title 18.

VAULTS.

Section 12600-265. [Privy vaults permitted.] Privy vaults may be constructed only on premises where water and sewers are not accessible.

Section 12600-266. [Privy vaults prohibited.] Privy vaults shall not be constructed where a sewerage system is available, nor on any lot

where in cleaning, the night soil would have to be carried through any building of human habitation nor shall any old vault be connected to a sewer.

Vaults now existing on premises accessible to a sewer shall be cleaned to the bottom and filled with ashes or earth

Section 12600-267. [Location of vault.] No vault, manure pit, open top cess pool, septic tank or other reservoir which is used as a privy or receptacle for human or animal excreta shall be located within two (2) feet of any lot or alley line or twenty (20) feet of any street line or any building of human habitation or occupancy or within fifty (50) feet of any cistern, well, spring or other source of water supply used for drinking or culinary purposes, whether they are located on the same or an adjoining lot, or premises.

EXCEPTION. No privy vault shall be located within fifty (50) feet of any school building.

Section 12600-268. [Construction of vaults.] All vaults, pits or other open top reservoirs described in section 3 shall be made of either brick or concrete. The walls of such vaults, if made of brick, shall be of hard burned sewer brick, not less than eight inches thick, laid in Portland cement mortar and the walls plastered outside and inside with a half inch coat of Portland cement mortar, in proportion of one part of Portland cement and two parts of clean, sharp sand. After this coating is put on it shall be given a one coat wash of liquid Portland cement. The bottom shall be at least three brick course thick, laid in cement mortar, or of Portland cement concrete mortar eight inches thick.

When Portland cement concrete is used to construct vaults, the walls shall be at least six inches thick, laid to a form, and the concrete shall be made of one part of live Portland cement, three parts of clean, sharp sand, five parts crushed stone, free from dust and of sizes between one-quarter and one and one-half inches in largest diameter, and shall be plastered and grouped inside and out as prescribed above for brick construction.

Vaults shall be made tight and their walls continued twelve (12) inches above the ground surface to prevent surface drainage. No retempered cement shall be used.

If the vault is used in connection with an outhouse, the vault shall be of such a shape and size as not to extend under any portion of the floor of the said outhouse but only under the space occupied by the seats. Any portion of the vault extending beyond the walls of the outhouse shall be covered by a four (4) inch brick arch, four (4) inch stone flagging, reinforced concrete slab or cast iron.

Section 12600-269. [Outhouses.] Over each privy vault, which shall receive nothing but human excreta, there shall be placed an outhouse constructed as prescribed in title 12, section 3.

The seats shall be provided with tight fitting covers, and the space underneath shall be ventilated by a vent pipe or box extending upward through and three (3) feet above the roof. Such vent pipe shall be at least six (6) inches square for every square yard or part thereof of vault surface.

Section 12600-270. [Cleanout doors.] Vaults shall be provided with a cleanout extension not less than two (2) by one and one-half ($1\frac{1}{2}$) feet in size, connecting directly with the vault.

Cleanout shall be provided with a trap door the full size of the cleanout. Cleanout extension shall extend at least one (1) foot above the grade line.

Section 12600-271. [Floors.] Floors of outhouses shall be made as tight as possible.

Section 12600-272. [Outhouses for different sexes.] Where outhouses are provided for the different sexes, if located within forty (40) feet of each other the walks or approaches thereto shall be separated by a tight fence, at least six (6) feet high, but in no case shall such outhouses be located within ten (10) feet of each other.

Title 19.

Section 12600-273. [Pumps and hydrants.] Pumps and hydrants shall be placed in the center of a concrete or cement platform not less than six (6) feet in diameter.

Platform shall be placed six (6) inches above the natural grade line, and be graded up around the same to within two (2) inches of the top of the platform and in such a manner as to run all surface water away from the pump or hydrant.

Pumps and hydrants shall be provided with concrete or cement gutters, or sewer pipe drains which will carry away all waste water and discharge same at a point not less than twenty (20) feet distant from the pump or hydrant.

TOWNSHIP BOARD OF HEALTH.

Section 3391. [Board of health; organization.] In each township the trustees thereof shall constitute a board of health, which shall be for the township outside the limits of any municipality. Each year they shall elect one of their number president and the township clerk shall be clerk of the board of health. They shall appoint a health officer and may appoint as many sanitary officers as they deem necessary to carry out the provisions of this chapter and they shall define the duties and fix the compensation of such appointees who shall serve during the pleasure of the board. Such board of health shall meet annually and at such other times as it deems necessary. (R. S. Sec. 2117.)

Section 3392. [Powers, duties and orders.] The township board of health may make such orders and regulations as it deems necessary for its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of all nuisances. All orders and regulations not for the government of the board, but intended for the general public, shall be adopted, recorded and certified as are ordinances of villages, record thereof shall be given in all courts of the state, the same force and effect as is given such ordinances, but the advertisements of such orders and regulations shall be by posting them in five conspicuous places within the township. (R. S. Sec. 2118.)

Section 3393. [When State Board of Health may appoint health officer.] If the trustees of a township fail or refuse to organize as a board of health and appoint a health officer for the township, the state board of health may appoint a health officer therefor and fix his salary and term of office. Such health officer shall have the same powers and duties as health officers appointed in villages in place of a board of health and his salary as fixed by the state board of health and all necessary expenses incurred by him in performing such duties shall be paid by and be a valid claim against the township. (97 v. 460 § 187.)

Section 3394. [Penalty for violation.] Township boards of health shall have the same duties, powers and jurisdiction, within the township and outside of any municipality as by law are imposed upon or granted to boards of health in municipalities, and any violation of any order or regulation of such township board made pursuant to such authority, or obstruction or interference with the execution thereof, or wilful or illegal omission to obey such order or regulation, shall be punished, and the prosecution thereof instituted and conducted in the same manner, and the fines and penalties and the disposition thereof, and the

punishment shall be the same as is provided by law for the prosecution and punishment of the violation of any like order or regulation of boards of health in municipalities. (R. S. Secs. 2117, 2119.)

QUALIFICATIONS AND OATH.

Section 3263. [Notice of officers elected or appointed to qualify; how served.] Forthwith, after the election or appointment of township officers, the township clerk shall make a list of all the officers elected or appointed, stating the offices to which they are respectively chosen or appointed, and add thereto a requisition that they severally appear before him, or some other officer authorized to administer oaths, and take the oath of office, and give bond as provided by law. Such clerk shall forthwith make service of such list and requisition by delivering to each person so elected or appointed a copy thereof, or such list may be delivered to any constable of the township, who shall make service thereof as hereinbefore required. Such list and requisition, with the time and manner of service thereon, shall be returned and filed in the office of the clerk. (R. S. Sec. 1453.)

POWERS OF COUNCIL.

Municipal councils are authorized to legislate on the subjects mentioned under this head.

Section 3619. [Water supply.] To provide for a supply of water, by the construction of wells, pumps, cisterns, aqueducts, water pipes, reservoirs, and waterworks, for the protection thereof, and to prevent unnecessary waste of water, and the pollution thereof. To apply moneys received as charges for water to the maintenance, construction, enlargement and extension of the works, and to the extinguishment of any indebtedness created therefor. (99 v. 34 § 7-o.)

Section 3633. [Impounding animals.] To regulate, restrain and prohibit the running at large, within the corporation, of cattle, horses, swine, sheep, goats, geese, chickens and other fowls and animals, and to impound and hold them, and on notice to the owners, to authorize the sale of them for the penalty imposed by any ordinance, and the cost and expenses of the proceedings; to regulate or prohibit the running at large of dogs, and provide against injury and annoyance therefrom, and to authorize the disposition of them when running at large contrary to the provisions of any ordinance. (99 v. 6 § 7j.)

Section 3636. [Buildings.] To regulate the erection of buildings and the sanitary condition thereof, the repair of, alteration in and addition to buildings, and to provide for the inspection of buildings or other structures, and for the removal and repair of insecure buildings; to require, regulate and provide for the numbering and renumbering of buildings either by the owners or occupants thereof or at the expense of the municipality; to provide for the construction, erection and placing of elevators, stairways and fire escapes in and upon buildings. (99 v. 6 § 7m.)

Section 3639. [Sanitation.] To regulate by ordinance, the use, control, repair and maintenance of buildings used for human occupancy or habitation, the number of occupants, and the mode and manner of occupancy, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof; to compel the owners of such buildings to alter, reconstruct or modify them, or any room, store, compartment or part thereof, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof, and to prohibit the use and occupancy of such building or buildings until such rules, regulations and provisions have been complied with. (99 v. 124 § 7-ff.)

Section 3646. [Contagious diseases.] To provide for the public health, to secure the inhabitants of the corporation from the evils of contagious, malignant and infectious diseases, and to purchase or lease property or buildings for pest houses and to erect, maintain and regulate pest houses, hospitals and infirmaries. (99 v. 7 § 7p.)

Section 3647. [Water-courses and sewers.] To open, construct and keep in repair sewage disposal works, sewers, drains and ditches, and to establish, repair and regulate water-closets and privies. (99 v. 8 § 7s.)

Section 3647-1. [Drainage of stagnant water.] To cause any lot or land within the corporate limits on which water at any time accumulates and becomes stagnant, in a way prejudicial to the public health, convenience or welfare, by reason of not having natural drainage outlet, or which can not be drained by natural channels, to be drained by artificial means at the expense of the corporation. In case such drainage is beneficial to the owner of any lot or land so drained, then the owner of said lot or land shall bear that part of the expense of said drainage in proportion to the benefits which may result from the improvement in accordance with the provision for assessment as contained in section thirty-eight hundred and twelve of the General Code. (101 v. p. 241.)

Section 3648. [Public conveniences.] To establish, maintain and regulate public baths and bath houses, drinking fountains, water troughs, and public toilet stations, and municipal lodging houses. (100 v. 53 § 7v.)

Section 3649. [Garbage.] To provide for the collection and disposition of sewage, garbage, ashes, animal and vegetable refuse, dead animals and animal offal and to establish, maintain and regulate plants for the disposal thereof. (99 v. 9 § 7y.)

Section 3650. [Power to abate nuisance and prevent injury.] To cause any nuisance to be abated, to prosecute in any court of competent jurisdiction, any person or persons who shall create, continue, contribute to or suffer such nuisance to exist; to regulate and prevent the emission of dense smoke, to prohibit the careless or negligent emission of dense smoke from locomotive engines, to declare each of the foregoing acts a nuisance, and to prescribe and enforce regulations for the prevention thereof; to prevent injury and annoyance from the same, to regulate and prohibit the use of steam whistles, and to provide for the regulation of the installation and inspection of steam boilers and steam boiler plants.

Section 3653. [Powers to fill lots and remove obstructions.] To cause any lot or land within its limits on which water at any time becomes stagnant, to be filled up or drained, all putrid substances to be removed from any lot, and the removal of all obstructions from all culverts or covered drains or private property, laid in any natural water-course, creek, brook or branch, where they obstruct the water naturally flowing therein, causing it to flow back or become stagnant, in a way prejudicial to the health, comfort or convenience of any of the citizens of the neighborhood, and, if such culverts or drains be of insufficient capacity, to cause them to be made of such capacity as reasonably to accommodate the flow of such water at all times therein. The council may direct, by resolution, the owner to fill up or drain such lot, remove such putrid substance, or remove such obstructions, and if necessary enlarge such culverts or covered drains to meet the requirements thereof. (R. S. Sec. 2149.)

Section 3654. [Duty of owner to comply with direction.] After service of a copy of such resolution, or after a publication thereof in a newspaper of general circulation in such corporation for two consecutive weeks, such owner, or his agent or attorney shall comply with the directions of the resolution within the time therein specified. (R. S. Sec. 2150.)

Section 3655. [May be done at the owner's expense in case of refusal or neglect.] In case of failure or refusal to comply with the resolution, the work required thereby may be done at the expense of the corporation, and the amount of money so expended shall be recovered from the owner before a justice of the peace, or any court of competent jurisdiction. Such expense from the time of the adoption of the resolution shall be a lien on such lot, which may be enforced by suit in the court of common pleas of the proper county, and like proceedings may be had as directed in relation to the improvement of streets. (R. S. Sec. 2151.)

Section 3656. [Health officers shall enforce provisions.] The officers connected with the health department of every such municipal corporation shall see that the provisions of the preceding three sections are strictly and promptly enforced. (R. S. Sec. 2152.)

Section 4242. [Effect of failure to take oath or give bond.] The council may declare vacant the office of any person elected or appointed to an office who fails to take the required official oath or to give any bond required of him, within ten days after he has been notified of his appointment or election, or obligation to give a new or additional bond, as the case may be. (R. S. Sec. 1740.)

Section 4251. [Appointment of municipal officers.] The director of public service, director of public safety, directors of the university, street commissioner, or any board or officer whose appointment is required herein shall be appointed not earlier than the second Monday in January and not later than the first Monday in February, and shall hold their respective offices until their successors are appointed as herein required. (97 v 39 Sec. 223.)

Section 4666. [Qualification; oaths.] Each officer of the corporation, or of any department or board thereof, whether elected or appointed as a substitute for a regular officer, shall be an elector within the corporation, except as otherwise expressly provided, and before entering upon his official duties shall take an oath to support the constitution of the United States and the constitution of Ohio, and an oath that he will faithfully, honestly and impartially discharge the duties of the office. Such provisions as to official oaths shall extend to deputies, but they need not be electors. (R. S. Sec. 1737.)

HOSPITALS.

COUNTY TUBERCULOSIS HOSPITALS.

Section 3139. [How patients kept at infirmary.] On and after January first, nineteen hundred and eleven, no person suffering from pulmonary tuberculosis, commonly known as consumption, shall be kept in any county infirmary except in separate buildings provided and used for that purpose only. (100 v. 86 § 1.)

Section 3140. [County hospital for tuberculosis.] When there is not already established a hospital in the county for treatment and maintenance of tuberculosis patients, the board of county commissioners may construct a suitable building or buildings, which shall be separate and apart from the infirmary buildings, to be known as the county hospital for tuberculosis, and the provisions of law requiring the commissioners to submit the question of the policy of building such building to the voters of the county shall not apply thereto. (100 v. 86 § 2.)

Section 3141. [How hospital shall be supported.] The county commissioners shall provide for the proper furnishing and equipment of such hospital. When, in any county, funds are not available to carry out these provisions, the commissioners shall levy for that purpose, and set aside the sum necessary, which shall not be used for any other purpose, and they may issue and sell the bonds of the county in anticipation of such levy. (100 v. 86 § 2.)

Section 3142. [Accounts to be kept.] The infirmary directors shall provide for the treatment, care and maintenance of patients received at such hospital, and for necessary nurses and attendants. All expenses so incurred shall be audited and paid as other expenditures for county infirmary purposes. An accurate account shall be kept of all moneys received from patients or from other sources, which shall be applied towards the payment of maintaining the hospital. The infirmary directors may receive for the use of the hospital, in its name, or in the name of such directors, gifts, legacies, devises or conveyances of real or personal property. (100 v. 86 § 2.)

Section 3143. [Contract with another county.] Instead of providing for the erection of a hospital for tuberculosis, the commissioners and infirmary directors may contract with the infirmary directors of a county or with the proper officer of a municipality, where such hospital has been constructed, for the care and treatment of the inmates of such infirmary or other residents of the county who are suffering from pulmonary tuberculosis. The infirmary directors of the

county in which such patients reside shall pay into the poor fund of the county or into the proper fund of the city receiving such patients, the actual cost incurred in their care and treatment, and other necessities, and they shall also pay for their transportation. (99 v. 121 § 3.)

Section 3144. [Probate judge may order inmate removed to another county.] The probate judge of any county in which such hospital has not been provided, upon a proper presentation of the facts and the recommendation of the state board of health, may order any inmate of the infirmary who is suffering from pulmonary tuberculosis removed to the county hospital for tuberculosis of some other county and there confined, but such removal shall not be made without the consent of the inmate, if a suitable place outside of the infirmary is provided for his or her care and treatment. (99 v. 121 § 3.)

Section 3145. [Applicants; investigation of.] The infirmary directors shall investigate applicants for admission to the hospital for tuberculosis who are not inmates of the county infirmary, and require satisfactory proof that they are in need of proper care, and have pulmonary tuberculosis. They may require from any applicant admitted a payment of not to exceed three dollars a week, or such less sum as they may determine, for hospital care and treatment. (99 v. 63 § 4.)

Section 3146. [Purpose of hospital; physicians.] The county hospital for tuberculosis shall be devoted to the care and treatment of those admitted to the county infirmary afflicted with pulmonary tuberculosis, and of other residents of the county suffering from the disease and in need of proper care and treatment. The physician to the county infirmary shall have the medical care of patients in such hospital, but any patient not an inmate of the infirmary may call other medical attendance in consultation with the regular infirmary physician, but not at the expense of the county. (99 v. 63 § 4.)

Section 3147. [State Board of Health; supervision.] The state board of health shall have general supervision of county hospitals for tuberculosis and shall prescribe and may enforce such rules and regulations for their government, and for the protection from infection of other inmates of the infirmary and of nurses and attendants in the hospital for tuberculosis and others as it deems necessary. All persons in charge of or employed at such hospitals, or residents thereof, shall faithfully obey and comply with all such rules and regulations. Such board, acting with the board of state charities, shall approve the location and plans for all county hospitals for tuberculosis. (99 v. 63 § 5.)

DISTRICT TUBERCULOSIS HOSPITALS.

Section 3148. [Joint county hospitals for tuberculosis.] In accordance with the purposes, provisions, and regulations of the foregoing sections, except as hereinafter provided, the commissioners of any two or more counties, not to exceed five, may form themselves into a joint board for the purpose of establishing and maintaining a district hospital for the care and treatment of persons suffering from tuberculosis, and may provide the necessary funds for the purchase of a site and the erection of the necessary buildings thereon, in the manner and for the purposes hereinbefore provided. (100 v. 87 § 6.)

Section 3149. [May appropriate property; donations.] In the selection and acquirement of such site the joint board shall have the same powers for the appropriation of lands as are conferred upon boards of trustees of benevolent institutions of the state. They may receive and hold in trust for the use and benefit of such institution, any grant or devise of land, and any donation or bequest of money or other personal property that may be made for the establishment or support thereof. (100 v. 87 § 6.)

Section 3150. [Board of trustees; term, vacancies, removals.] As soon as possible after organization, the joint board shall appoint a board of trustees to consist of one member from each county represented. Such trustees shall hold their offices as follows: One for one year, one for two years, and where three counties are represented, one for three years, and, where four counties are represented, one for four years, and, where five counties are represented, one for five years, and annually thereafter the joint board of commissioners shall appoint one trustee for a term of as many years as there are counties represented, and until his successor is appointed and qualified. Any vacancy shall be filled by an appointment in like manner for the unexpired term of the original appointment. The joint board of commissioners may remove any trustee for good and sufficient cause after a hearing upon written charges. (100 v. 87 § 7.)

Section 3151. [Powers of trustees.] Subject to the provisions of this chapter, such board of trustees shall prepare plans and specifications and proceed to erect and furnish the necessary buildings for a district hospital for tuberculosis. They shall appoint a suitable person medical superintendent of the hospital and, upon the recommendation of the superintendent, such nurses and other employes as may be necessary for the proper conduct thereof. The trustees shall fix the compensation for the medical superintendent and other employes. Subject to rules and regulations prescribed by the board of trustees, the

superintendent shall have entire charge and control of the hospital. The trustees shall serve without compensation, but their necessary expenses when engaged in services of the board shall be paid. (100 v. 87 § 8.)

Section 3152. [Cost and maintenance.] The first cost of the hospital, and the cost of all betterments and additions thereto, shall be paid by the counties comprising the district, in proportion to the taxable property of each county, as shown by their respective duplicates. A statement shall be prepared quarterly showing the per capita daily cost for the current expense of maintaining such hospital, including the cost of the ordinary repairs, and each county in the district shall pay its share of such cost as determined by the number of days the total number of patients from such county have spent in the hospital during the quarter, but the sum paid by patients from such county for their treatment therein shall be deducted from this amount. The boards of commissioners of counties jointly maintaining a district hospital for tuberculosis shall make annual assessments of taxes sufficient to support and defray all necessary expenses of such hospital. (100 v. 88 § 10.)

Section 3152-1. [Tax levy; payment of expenses; trustees' bond.] All taxes levied by the county commissioners of any county under the provisions of section thirty-one hundred and fifty-two shall, when collected, be paid over to the trustees of the district tuberculosis hospital upon the warrant of the county auditor, at the same time that school and township moneys are paid to the respective treasurers; and the board of trustees shall receipt therefor and deposit said funds to its credit in a bank or banks or trust company to be designated by it, and said bank or trust company shall give to said board, a bond therefor in an amount at least equal to the amount so as aforesaid deposited; and thereupon said funds may be disbursed by said board of trustees for the uses and purposes of said district tuberculosis hospital, and accounted for as provided in the foregoing sections. Each trustee shall give bond for the faithful performance of his duties in such sum as may be fixed by the joint board of commissioners, the expense of such bond, if any, shall be paid out of the fund for the maintenance of the hospital. The bond of each trustee after being approved by the joint board of commissioners shall be filed with the auditor of the county represented by him. (101 v. 212.)

Section 3153. Meetings; annual report.] Such board of trustees shall meet monthly, and until the hospital is erected and equipped, at such other times as they deem necessary. On the first Monday in April of each year, they shall file with the joint board of county commissioners

a report of their proceedings with reference to such district hospital, and a statement of all receipts and expenditures during the year, and at such time shall certify the amount necessary to maintain and improve the hospital for the ensuing year. (100 v. 87 § 9.)

MATERNITY BOARDING HOUSES AND LYING-IN HOSPITALS.

Section 6257. [Definition of maternity boarding house and lying-in hospital.] Whoever receives for care or treatment within a period of six months, more than one woman during pregnancy, or during or after delivery, except women related by blood or marriage; or has in his custody or control, at any one time, two or more infants under the age of two years, unattended by parents or guardians, for the purpose of providing them with care, food and lodging, except infants related to him by blood or marriage, shall be deemed to maintain a maternity boarding house or lying-in hospital. The provisions of this section shall not apply to any county or district children's home, charitable organization, society or institution having the care of children under its control duly incorporated under the laws of Ohio or under the care of a juvenile court. (101 v. 121.)

Section 6258. [Proviso as to nurse.] Nothing in this chapter shall prevent a nurse from practicing her profession under the direction of a physician in the home of a patient, or in a regular hospital other than a lying-in hospital. (101 v. 122.)

Section 6259. [Licenses.] The state board of health may grant licenses to maintain maternity boarding houses and lying-in hospitals. An application therefor shall first be approved by the board of health of the city, village or township in which such maternity boarding house or lying-in hospital is to be maintained. A record of the license so issued shall be kept by the state board of health, which shall forthwith give notice to the board of health of the city, village or township, in which the licensee resides, of the granting of such license and of the terms thereof. (99 v. 13 § 2.)

Section 6260. [Term and contents of license.] Such license shall be granted for a term not exceeding one year and shall state the name of the licensee, the particular premises in which the business may be carried on, the number of women and infants that may be boarded, treated or maintained there at any one time, and, if required by the board of health of the city, village or township in which such maternity boarding house or lying-in hospital is located, it shall be posted in a conspicuous place on the licensed premises. (99 v. 13 § 2.)

Section 6261. [Limitation of women and infants.] No greater number of women and infants shall be kept at one time on such premises than is authorized by the license and no woman or infants shall be kept in a building or place not designated in the license. (99 v. 13 § 2.)

Section 6262. [Inspection.] The state board of health and the board of health of cities, villages or townships shall annually, and may, at any time, visit and inspect, or designate a person to visit and inspect, premises so licensed. (99 v. 13 § 2.)

Section 6263. [Revocation of license.] The state board of health may revoke such license when a provision of this chapter is violated, or when, in the opinion of such board, such maternity boarding house or lying-in hospital is maintained without regard to the health, comfort or morality of the inmates thereof, or without due regard to sanitation and hygiene. (99 v. 14 § 3.)

Section 6264. [Record thereof.] Such board shall note such revocation upon the face of the record thereof and give written notice of the revocation to the licensee by delivering the notice to him in person or leaving it on the licensed premises, and shall forthwith notify the board of health of such city, village or township in which the maternity boarding house or lying-in hospital is situated. (99 v. 14 § 3.)

Section 6265. [Reporting births.] A birth which takes place in a maternity boarding house or lying-in hospital shall be attended by a legally qualified physician who shall forthwith report it to the board of health of the city, village or township in which the maternity boarding house or lying-in hospital is located. (99 v. 14 § 4.)

Section 6266. [Record of birth, etc.] A person holding such license shall keep a record, in a form to be prescribed by the state board of health, wherein he shall enter the name and address of the physician who attended at the birth taking place in such house or hospital of any infant who may be sick, the name, age and sex of children born on the premises or brought thereto, and age of a child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child. (99 v. 14 § 5.)

Section 6267. [Copy of record.] Within twenty-four hours after such child is given out or taken away, the person licensed as aforesaid shall cause a correct copy of the record relating thereto to be sent to the board of health of the city, village or township wherein such house or hospital is located. (99 v. 14 § 5.)

Section 6268. [Report of death.] A person licensed as aforesaid, immediately after the death of an inmate of such boarding house or lying-in hospital, whether a woman or an infant born therein or brought thereto, shall cause notice thereof to be given to the board of health of the city, village or township in which such house or hospital is located. (99 v. 14 § 6.)

Section 6269. [Coroner's inquest; when.] Such board of health shall forthwith call the coroner of the county in which said person died to hold an inquest on the body of the person, unless a certificate under the hand of a legally qualified physician is exhibited to said board by the licensee that such physician had personally attended and examined the person so dying, and specifying the cause of death, and the board of health is satisfied that there is no ground for holding an inquest. (99 v. 14 § 6.)

Section 6270. [Book of forms.] A licensee shall be entitled to receive gratuitously from the state board of health a book of forms for the registration and record of persons received into such home or hospital. Such book shall contain a printed copy of this chapter (99 v. 15 § 7.)

Section 6271. [Inspection.] The officers and authorized agents of the state board of health and the boards of health of the cities, villages or townships in which such licensed premises are located may inspect such house or hospital at any time and examine every part thereof, call for and examine the records which are required to be kept by the provisions of this chapter, and inquire into all matters concerning such house or hospital and the inmates thereof. The licensee shall give all reasonable information to such persons so inspecting and afford them every reasonable facility for viewing and inspecting the premises and seeing the inmates thereof. And when complaint is made or a reasonable belief exists that a maternity boarding house or lying-in hospital is being conducted without license, the board of health may cause such house to be inspected by its health officer or the state board of health may designate a person to visit and inspect such premises. (101 v. 122.)

Section 6272. [Children under two years of age.] A child under two years of age, whether an inmate of such house or hospital, born therein or brought thereto, or otherwise, shall not be given out for adoption, except by and with the consent of a charitable organization, society or institution, having the care of children under its control and duly incorporated under the laws of this state, or of a juvenile court. (99 v. 15 § 9.)

Section 6273. [Giving away or receiving infants; probate and juvenile courts; exemption.] A parent or guardian or other person shall not give an infant under two years of age into the permanent care or control of another person except upon the written consent of the probate or juvenile court of the county in which such child is found or has a legal residence, and no person shall receive under his care and control an infant under two years of age, the child of another, without such permission having been given. The provisions of this section shall not apply to any county or district children's home, charitable organization, society or institution for the care of children incorporated under the laws of Ohio, or to the officers or agents thereof. (101 v. 122.)

Section 6274. [Secrecy of records.] No officer or authorized agent of the state board of health or the boards of health of the cities, villages or townships where such licensed homes or hospitals are located, or a keeper of such house or hospital, shall divulge or disclose the contents of the records or of the particulars entered therein, except upon inquiry before a court of law, at a coroner's inquest or before some other competent tribunal, or for the information of the state board of health or the board of health of the city, village or township in which said house or hospital is located. (99 v. 15 § 11.)

Section 6275. [Offering inducements.] A person licensed as provided in this chapter, shall not advertise that he will adopt children, or hold out inducements to parents to part with their offspring. When such children are transferred by their parents, or are given out for adoption to other persons, such transfer shall be with the knowledge and consent of a charitable organization, society or institution, duly incorporated under the laws of this state, or of a juvenile court. (99 v. 16 § 12.)

Section 6276. [License.] A person shall not maintain a maternity boarding house or lying-in hospital, as defined in this chapter, unless licensed thereto by the state board of health. (99 v. 16 § 13.)

Section 6277. [Relationship.] In a prosecution under the provisions of this chapter or a penal law relating thereto, a defendant who relies for defense upon the relationship of any of said women or infants to himself, shall have the burden of proof thereof. (99 v. 16 § 14.)

Section 12789. [Penalty.] Whoever violates any provisions of law relating to the establishment, maintenance and inspection of maternity boarding houses and lying-in hospitals, shall be fined not more than three hundred dollars. (101 v. 122.)

ABANDONMENT OF CEMETERIES.

Section 3465. [Disinterment of bodies.] When any burial ground, public or private, has been abandoned, or when the trustees of a township, or the trustees or directors of a cemetery association, are of the opinion that the further use for burial purposes of any cemetery or burial ground will be detrimental to public welfare or health, and a cemetery or burial ground in the near vicinity thereof is open for public use, such township trustees in every such case, or, in case of a cemetery association, the trustees or directors thereof, may order such cemetery or burial ground to be discontinued, and provide for the removal of all bodies therein buried, and for the removal of all stones and monuments marking the graves thereof, and for the reinterment of such bodies and the re-erection of such stones and monuments in suitable and public ground in the near vicinity, and pay therefor from the township treasury. They shall before providing for any such removal, first cause notice to be given to the family, friends or kindred of the deceased, if known to them of such order and of the time within which, not less than thirty days, such removal must be made, and that it is desired that such removal be made by the friends or kindred of the dead. If at the expiration of such time such removals have not been made, the trustees or the board, as the case may be, may cause them to be made as hereinbefore provided. (101 v. 201.)

Section 3466. [May sell burial grounds at public sale.] After due notice thereof has been first given in two newspapers of the county, of general circulation, township trustees and trustees and boards of directors of cemetery associations may dispose of, at public sale, and make conveyance of any burial grounds under their control that they have determined to discontinue as burial grounds, but possession thereof shall not be given to a grantee until after the dead therein buried, together with stones and monuments, have been removed as hereinbefore provided. (73 v. 33 § 2.)

Section 3467. [Disinterment of body buried in cemetery.] The trustees or board of any cemetery association, or other officers having control and management of a cemetery, shall disinter or issue a permit for disinterment, and deliver any body buried in such cemetery, on application of the next of kin of the deceased, being of full age and sound mind, to such next of kin, on payment of the reasonable cost and expense of disinterment. No such disinterment shall be made during the months of April, May, June, July, August and September, and in no event if the deceased died of a contagious or infectious disease, until a permit has been issued by the local health department. (91 v. 231 § 1.)

Section 3468. [Form of application.] Such application shall be in writing and shall state the relation of the applicants to the deceased, that the applicants are the next of kin of the deceased, of full age and sound mind, the disease of which the deceased died, where the body shall be reinterred, and shall be subscribed and verified by oath. (91 v. 231 § 2.)

Section 3469. [Writ of mandamus.] If such trustees or board or other officers in charge of the cemetery refuse to issue a permit for disinterment, there shall be issued by the court of common pleas of the county wherein the cemetery is situated, a writ of mandamus requiring such trustees or board or other officers to issue such permit. (91 v. 231 § 3.)

Section 3470. [When dead may be removed.] When the dead laid in any vault or other receptacle becomes offensive, on complaint of any householder of the township, the trustees shall issue an order forthwith to the sexton or other person in charge, to have such body immediately interred. If such interment is neglected for three days after the complaint, any justice of the peace of the township may issue his written order to any householder of the township to inter the dead at the expense of the trustees, and shall allow a reasonable charge for such service. (R. S. Sec. 1471.)

STATE DAIRY AND FOOD COMMISSIONER.

Section 375. [Duties of the commissioner and assistants.] The state dairy and food commissioner shall enforce the laws against fraud, adulteration or impurities in foods, drinks or drugs, and unlawful labeling within the state. The state commissioner, each assistant commissioner and each inspector shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state, and prosecute or cause to be prosecuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law. (84 v. 205 § 2; 97 v. 64 § 1.)

Section 376. [Powers of the commissioner and assistants.] The state dairy and food commissioner, each assistant commissioner and each inspector, in the performance of his duty, may enter a creamery, factory, store, salesroom, drug store, laboratory or other place where he believes or has reason to believe, drugs, food, drink or linseed oil, is made, prepared, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof. (97 v. 30 § 3.)

Section 5774. [Adulterated and misbranded drugs or food.] No person, within this state, shall manufacture for sale, offer for sale, sell or deliver, or have in his possession with intent to sell or deliver, a drug or article of food which is adulterated within the meaning of this chapter, or offer for sale, sell or deliver, or have in his possession with intent to sell or deliver, a drug or article of food which is misbranded within the meaning of this chapter. (99 v. 257 § 1.)

Section 5775. [Definition of the terms "drug," "food" and "flavoring extract."] The term "drug," as used in this chapter, includes all medicines for internal or external use or inhalation, antiseptics, disinfectants and cosmetics. The term "food," as used in this chapter, includes all articles used by man for food, drink, flavoring extract, confectionery, or condiment, whether simple, mixed or compound. The term "flavoring extract," as used in this chapter, includes all articles used as a flavor for foods or drinks, whether used or sold as an extract, flavor, essence, tincture or by another name. (98 v. 263 § 2.)

Section 5777. [What is adulteration of drugs.] A drug is adulterated within the meaning of this chapter (1) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein;

(2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood alcohol. (100 v. 105 § 3.)

Section 5778. [Same as to food, etc.] Food, drink, confectionery or condiments are adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or, in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold under or by a name not recognized in the eighth decennial revision of the United States pharmacopœia, or the third edition of the National Formulary, but is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol. (100 v. 105 Sec. 3.)

Section 5779. [Same as to flavoring extracts.] A flavoring extract is adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent

or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it is colored whereby damage or inferiority is concealed, or if it by any means is made to appear better or of greater value than it really is; (6) if it contains any added substance or ingredient which is poisonous or injurious to health; (7) if the strength, quality or purity falls below the professed standard under which it is sold; (8) if it contains any methyl or wood alcohol. (100 v. 105 Sec. 3.)

Section 5780. A flavoring extract is also adulterated within the meaning of this chapter, if, when sold under or by any one of the following names it differs from the standard hereby fixed therefor: (1) Almond extract shall be the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and shall contain not less than one per cent by volume of oil of bitter almonds; (2) anise extract shall be the flavoring extract prepared from oil of anise, and shall contain not less than three per cent by volume of oil of anise; (3) celery seed extract shall be the flavoring extract prepared from celery seed or the oil of celery seed, or both, and shall contain not less than three-tenths per cent by volume of oil of celery seed; (4) cassia extract shall be the flavoring extract prepared from oil of cassia, and shall contain not less than two per cent by volume of oil of cassia; (5) cinnamon extract shall be the flavoring extract prepared from oil of cinnamon, and shall contain not less than two per cent by volume of oil of cinnamon; (6) clove extract shall be the flavoring extract prepared from oil of cloves, and shall contain not less than two per cent by volume of oil of cloves; (7) ginger extract shall be the flavoring extract prepared from ginger, and shall contain in each one hundred cubic centimeters the alcohol-soluble matters from not less than twenty grams of ginger; (8) lemon extract shall be the flavoring extract prepared from oil of lemon, or from lemon peel or both, and shall contain not less than five per cent by volume of oil of lemon; (9) terpeneless extract of lemon shall be the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and shall contain not less than two-tenths per cent by weight of citral derived from oil of lemon; (10) nutmeg extract shall be the flavoring extract prepared from oil of nutmeg, and shall contain not less than two per cent by volume of oil of nutmeg; (11) orange extract shall be the flavoring extract prepared from oil of orange, or from orange peel, or both, and shall contain not less than five per cent by volume of oil of orange; (12) terpeneless extract of orange shall be the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol and shall correspond in flavoring strength to orange extract; (13) peppermint extract shall

be the flavoring extract prepared from oil of peppermint or from peppermint, or both, and shall contain not less than three per cent by volume of oil of peppermint; (14) rose extract shall be the flavoring extract prepared from otto of roses, with or without rose petals, and shall contain not less than four-tenths per cent by volume of otto of roses; (15) savory extract shall be the flavoring extract prepared from oil of savory, or from savory, or both, and shall contain not less than thirty-five hundredths per cent by volume of oil of savory; (16) spearmint extract shall be the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and shall contain not less than three per cent by volume of oil of spearmint; (17) star anise extract shall be the flavoring extract prepared from oil of star anise, and shall contain not less than three per cent by volume of oil of star anise; (18) sweet basil extract shall be the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and shall contain not less than one-tenth per cent by volume of oil of sweet basil; (19) sweet marjoram extract or marjoram extract, shall be the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and shall contain not less than one per cent by volume of oil of marjoram; (20) thyme extract shall be the flavoring extract prepared from oil of thyme, or from thyme, or both, and shall contain not less than two-tenths per cent by volume of oil of thyme; (21) tonka extract shall be the flavoring extract prepared from tonka bean, with or without sugar or glycerine, and shall contain not less than one-tenth per cent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof; (22) vanilla extract shall be the flavoring extract prepared from vanilla bean, with or without sugar or glycerine, and shall contain in one hundred cubic centimeters the soluble matters from not less than ten grams of the vanilla bean; (23) wintergreen extract shall be the flavoring extract prepared from oil of wintergreen, and shall contain not less than three per cent by volume of oil of wintergreen. All of said flavoring extracts shall be a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, and shall conform in name to the plant used in its preparation. (100 v. 105 Sec 3.)

RELATING TO ANIMALS.

BOARD OF LIVE STOCK COMMISSIONERS.

Section 1091. [Board of live stock commissioners.] The Ohio state board of agriculture shall constitute the state board of live stock commissioners. The state board of live stock commissioners shall organize by electing such officers as it deems necessary, and prescribe rules for its government. It shall establish such regulations as will secure strict quarantine, prevent the spread of infectious and contagious diseases among live stock, and so far as possible exterminate such diseases. (R. S. Sec. 4211-9.)

Section 1092. [Duties of board.] The state board of live stock commissioners shall promote and protect the live stock interests of the state, prevent the spread of infectious and contagious diseases among domestic animals, exterminate such diseases, and cooperate with the bureau of animal industry of the United States department of agriculture in such work. The board may use all proper means in the prevention of the spread of dangerous and fatal diseases among domestic animals and in providing for the extermination of such diseases. (R. S. Secs. 4211-9, 4211-16d; 82 v. 176 § 2.)

Section 1097. [Notice of contagious or infectious disease.] If a person owns or has in charge an animal which he knows or has reason to believe is affected with a dangerously contagious or infectious disease, he shall give notice of such fact immediately to the state board of live stock commissioners, a member thereof, or the sheriff or constable of the proper county. (84 v. 90 § 4.)

Section 1098. [Duty of board to eradicate disease.] Thereupon the board shall cause a proper examination to be made by a competent veterinarian of the diseased or infected animals, and, if the disease affecting such animals is found to be dangerously contagious or infectious, the board shall order the diseased animals and those which have been exposed to the contagion to be strictly quarantined, in charge of such person as the board or a member thereof shall designate, and order any premises or farms where diseased animals are found or have been recently kept to be put in quarantine. No domestic animals shall be brought to or removed from the premises or places so quarantined. (82 v. 176 § 2.)

DOGS.

Section 5837. [When dog may be considered property.] A dog which has been listed and valued for taxation as personal property,

and the tax upon such valuation and per capita tax upon such dog having been paid, if due, shall be considered as personal property and have all the rights and privileges and be subject to like lawful restraints as other live stock. A recovery shall not be had for the malicious and unlawful killing of such dog in excess of double the amount for which it is so listed. (94 v. 118 § 1.)

Section 5838. [When dog may be killed; owner liable for damages.] A dog that chases, worries, injures or kills a sheep, lamb, goat, kid, domestic fowl, domestic animal or person, can be killed at any time or place; and, if in attempting to kill such dog running at large a person wounds it, he shall not be liable to prosecution under the penal laws which punish cruelty to animals. The owner or harbinger of such dog shall be liable to a person damaged for the injury done. (94 v. 118 § 1, 2.)

Section 5839. [When dog is a nuisance.] The court or justice, before which the recovery is had for such injury, shall declare such dog to be a common nuisance and order the defendant to kill it or cause it to be killed within twenty-four hours thereafter, or order a constable, marshal or sheriff to kill it. (94 v. 118 § 2.)

Section 5851. [Reimbursement of person injured by a mad dog or other animal.] A person bitten or injured by a dog, cat or other animal afflicted with rabies, if such injury has caused him to employ medical or surgical treatment or required the expenditure of money, within four months after such injury and at a regular meeting of the county commissioners of the county where such injury was received, may present an itemized account of the expenses incurred and amount paid by him for medical and surgical attendance, verified by his own affidavit or that of his attending physician; or the administrator or executor of a deceased person may present such claim and make such affidavit. If the person so bitten or injured is a minor such affidavit may be made by his parent or guardian. (99 v. 82 § 1.)

Section 5852. [Duty of county commissioners.] The county commissioners not later than the third regular meeting, after it is so presented, shall examine such account, and, if found in whole or part correct and just, may order the payment thereof in whole or in part, out of the general fund of the county; but a person shall not receive for one injury a sum exceeding five hundred dollars. (99 v. 82 § 1.)

RELATING TO PRACTICE OF EMBALMING.

Section 1343. [Examination.] If the state board of embalming examiners finds that the applicant possesses a good moral character and has passed a satisfactory examination in such subjects, it shall register such applicant as a duly licensed embalmer. The license shall be signed by the president and secretary of the board and attested by its seal. The person to whom a license is issued shall register it with the board of health of the city, village or township in which he proposes to practice. He shall also display such license in a conspicuous place in his office and annually thereafter on or before the date fixed by the state board pay to the secretary thereof one dollar for its renewal. (99 v. 509 Sec. 91.)

Section 1344. [License necessary for practice.] No person shall embalm, either by arterial or cavity treatment, or prepare for burial, cremation or transportation, the body of a person dead from a contagious or infectious disease, unless he is a duly licensed embalmer within the meaning of this chapter. (99 v. 510 Sec. 92.)

Section 1345. [License; what it shall contain.] An embalmer's license issued under the provisions of this chapter shall state the number of the license, the name and address of the person to whom it is issued, and shall not be transferable. (99 v. 510 Sec. 94.)

Section 1346. [To what the provisions of this chapter shall not apply.] No provision of this chapter shall apply to or interfere with the duties of an officer of a local or state institution, except as herein provided, nor shall any such provision apply to a person engaged only in furnishing burial receptacles. (99 v. 510 Sec. 95.)

Section 1347. [Exceptions.] No provision of this chapter shall prevent a funeral director or other person from conducting the funeral or disposing of the body of a person dead of a contagious or infectious disease after it has been prepared by a licensed embalmer as provided herein, or from conducting the funeral or embalming or preparing the body of a person dead from a disease not contagious or infectious. The state board of health shall determine what diseases are contagious or infectious within the meaning of this chapter. (99 v. 510 Sec. 96.)

OFFENSES AGAINST PUBLIC HEALTH.

NUISANCES.

Section 12646. [Various nuisances.] Whoever erects, continues, uses or maintains a building, structure or place for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public, or causes or suffers offal, filth or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public, or unlawfully obstructs or impedes the passage of a navigable river, harbor or collection of water, or corrupts or renders unwholesome or impure, a watercourse, stream or water, or unlawfully diverts such watercourse from its natural course or state to the injury or prejudice of others, shall be fined not more than five hundred dollars. (R. S. Sec. 6921.)

Section 12647. [Throwing refuse, oil or filth into lakes, streams or drains.] Whoever intentionally throws, deposits or permits to be thrown or deposited, coal dirt, coal slack, coal screenings or coal refuse from coal mines, refuse or filth from a coal oil refinery or gas works, or whey or filthy drainage from a cheese factory into a river, lake, pond or stream, or a place from which it may wash therein, or causes or permits petroleum, crude oil, refined oil, or a compound, mixture, residuum of oil or filth from an oil well, oil tank, oil vat or place of deposit of crude or refined oil, to run into or be poured, emptied or thrown into a river, ditch, drain or watercourse, or into a place from which it may run or wash therein, upon conviction in the county in which such coal mine, coal oil refinery, gas works, cheese factory, oil well, oil tank, oil vat or place of deposit of crude or refined oil is situated, shall be fined not less than fifty dollars nor more than one thousand dollars. (R. S. Sec. 6925.)

Section 12648. [Fines and costs are a lien.] Such fine and costs shall be a lien on such oil well, oil tank, oil refinery, oil vat or place of deposit and the contents thereof until paid, and such oil well, oil tank, oil refinery, oil vat or place of deposit and the contents thereof, may be sold for the payment of such fine and costs upon execution duly issued for that purpose. (R. S. Sec. 6925.)

Section 12649. [Deposit of dead animals, offal, etc., upon land or water.] Whoever puts the carcass of a dead animal or the offal from a slaughter house, butcher's establishment, packing house or fish house, or spoiled meat, spoiled fish, or other putrid substance or the

contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market space, or common, or, being the owner or occupant of such place, knowingly permits such thing to remain therein to the annoyance of any citizen or neglects to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof in writing from a road superintendent, constable, trustee or health officer of a municipal corporation or township in which such nuisance exists or from a county commissioner of such county, shall be fined not less than ten dollars nor more than fifty dollars, and in default of the payment of such fine and costs, shall be imprisoned not more than thirty days. (R. S. Sec. 6923.)

Section 12650. [Contents of vault deposited.] The next preceding section shall not prohibit the deposit of the contents of privy vaults and catch basins into trenches or pits not less than three feet deep excavated in a lot, field or meadow, the owner thereof consenting, outside of the limits of a municipal corporation and not less than thirty rods distant from a dwelling, well or spring of water, lake, bay, pond, canal, run, creek, brook or stream of water, public road or highway, provided that such contents so deposited are forthwith covered with at least twelve inches of dry earth; nor prohibit the deposit of such contents in furrows, as specified for such trenches or pits, to be forthwith covered with dry earth by plowing or otherwise, and with the consent of the owner or occupant of the land in which such furrows are plowed. (R. S. Sec. 6923.)

Section 12651. [Board of health.] The board of health of a municipal corporation may allow such contents to be deposited within corporate limits into such trenches, pits or furrows. (R. S. Sec. 6923.)

Section 12652. [Obstructing stream or producing stagnant water.] Whoever builds, erects, continues or maintains a dam or other obstruction in a river or stream of water and thereby raises an artificial pond or produces stagnant water which is manifestly injurious to the public health and safety, shall be fined not more than five hundred dollars. (R. S. Sec. 6922.)

Section 12653. [Obstructing ditch or drain constructed by taxation.] Whoever wilfully obstructs a ditch, drain or watercourse constructed by order of a board of county commissioners or township trustees, or diverts the water therefrom, shall be fined not less than ten dollars nor more than one hundred dollars. (R. S. Sec. 6926.)

Section 12654. [Defiling spring or well.] Whoever maliciously puts a dead animal, carcass or part thereof, or other putrid, nauseous or

offensive substance into, or befouls a well, spring, brook or branch of running water, or a reservoir of a waterworks, of which use is or may be made for domestic purposes, shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than sixty days, or both. (R. S. Sec. 6927.)

Section 12657. [Corporations may be prosecuted for nuisance.] Corporations may be prosecuted by indictment for violation of any provision of this subdivision of this chapter, and in every case of conviction under such provisions, the court shall adjudge that the nuisance described in the indictment be abated or removed within a time fixed, and, if it is of a recurring character, the defendant shall keep such nuisance abated. (R. S. Sec. 6919.)

Section 12658. [Proceedings in contempt.] If the defendant, convicted of a violation of any provision of this subdivision of this chapter, fails, neglects or refuses to abate the nuisance described in the indictment, as ordered by the court, or, if the nuisance is of a recurring character, fails, neglects or refuses to keep it abated, proceedings in contempt of court may be instituted against him and all others assisting in or conniving at the violation of such order, and the court may direct the sheriff to execute the order of abatement at the cost and expense of the defendant. (R. S. Sec. 6919.)

Section 12659. [Venue under preceding sections.] An offense charged under any of the sections of this subdivision of this chapter shall be held to have been committed in any county whose inhabitants are, or have been aggrieved thereby. The continuance of such nuisance for five days after the prosecution thereof is begun shall be an additional offense. (R. S. Sec. 6920.)

Section 12660. [Judgment for fine and costs.] A judgment for fine and costs rendered against a person or corporation for the violation of any of the provisions of this subdivision of this chapter, when the defendant has no property or not a sufficient amount within the county upon which to levy to satisfy such judgment and costs, may be enforced and collected in the manner judgments are collected in civil cases. (R. S. Sec. 6920c.)

Section 12661. [Inspector of nuisances.] The county commissioners, whenever there is a violation of any of the provisions of this subdivision of this chapter, are authorized to employ and reasonably compensate one inspector of nuisances who shall be vested with police powers and authorized to examine all cases of violation of such provisions. (R. S. Sec. 6920a.)

Section 12662. [His powers and duties.] For such purpose, and for obtaining evidence thereof, the inspector of nuisances may enter upon any premises in any county, and shall make or cause to be made a complaint, and institute prosecution, against any one violating any provision of this subdivision of this chapter. He shall not be required to give security for costs. The prosecuting attorney shall be the legal advisor of such inspector and the attorney in all such prosecutions. (R. S. Secs. 6920a, 6920b.)

CORPSE.

Section 12684. [Corpse nuisance.] Whoever, being in charge of a township or other cemetery, permits a dead body to remain in a vault or other receptacle until it becomes offensive shall be fined not more than twenty dollars, and an additional fine of five dollars for each day that the nuisance is continued. Justices of the peace shall have jurisdiction under this section on complaint of any person. (R. S. Sec. 1470.)

Section 12685. [Burial without permit.] Whoever, being an undertaker, sexton, or person acting as undertaker, inters, removes, or otherwise disposes of the body of a deceased person without having received a burial or removal permit as provided by law, shall be fined not less than twenty dollars nor more than one hundred dollars. (99 v. 305 § 21.)

Section 12686. [When body not to be transported.] Whoever, being a transportation company or common carrier transporting, carrying or accepting through its agents or employes for transportation or carriage, the body of a deceased person without an accompanying permit issued in accordance with law, shall be fined not less than fifty dollars nor more than two hundred dollars. (99 v. 305 § 21.)

Section 12687. [If death occurred out of the state.] If a person died outside of the state and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial, removal or transit permit shall authorize the transportation or carriage of such body into or through this state. (99 v. 305 § 21.)

Section 12688. [Embalming.] Whoever practices or holds himself out as practicing the science of embalming, either by arterial or cavity treatment, upon the body of a person dead of an infectious or contagious disease, or prepares such body for burial, cremation or

transportation, without having complied with all the provisions of law relating thereto, shall be fined not less than twenty-five dollars nor more than fifty dollars, and, for each subsequent offense shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned six months, or both. (99 v. 510 § 93.)

Section 12689. [Refusal to deliver corpse.] Whoever, being a superintendent of a city hospital, city or county infirmary, workhouse, asylum for the insane, or other charitable institution founded and supported in whole or in part at public expense, coroner, infirmary director, sheriff, or township trustee, fails to deliver a body of a deceased person when applied for, in conformity to law, or charges, receives or accepts money or other valuable consideration for such delivery, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than six months. (R. S. Sec. 3763.)

Section 12690. [Body may be retained twenty-four hours.] The next preceding section shall not require the delivery of such body until twenty-four hours after death. (R. S. Sec. 3763.)

Section 12691. [Unlawful possession of corpse.] Whoever is in possession of a corpse for the purpose of medical, surgical and anatomical study, except in conformity to the provisions of law, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than six months. (R. S. Sec. 3763.)

Section 12692. [Detention of corpse.] Whoever detains a corpse, claimed by relatives or friends for interment at their expense, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not more than six months. (R. S. Sec. 3763.)

Section 12693. [Unlawful use of corpse.] Whoever, being lawfully possessed of a corpse for medical or surgical study, uses it for any other purpose, removes it beyond the limits of this state, traffics therein, or transports or attempts to transport it by railroad or other public conveyance, without it is securely enclosed in a box or case suitable for transportation, shall be imprisoned in jail not more than one year. (R. S. Sec. 7035.)

BIRTH AND DEATH CERTIFICATES.

Section 12702. [Cause of death to be certified.] Whoever, being a physician in professional attendance at the time of the death of a person, upon request therefor, neglects or refuses to make out and

deliver to the undertaker, sexton or other person in charge of the interment, removal or disposition of the body of such deceased person, the medical certificate of the cause of such death as provided by law, shall be fined not less than five dollars nor more than fifty dollars. (99 v. 305 § 21.)

Section 12703. [False certification by physician.] Whoever, being a physician, knowingly makes a false certification of the cause of the death of any person shall be fined not less than fifty dollars nor more than two hundred dollars. (99 v. 305 § 21.)

Section 12704. [Certification of birth to be filed.] Whoever, being a physician or midwife, in attendance upon a case of confinement, or other person charged by law with responsibility for reporting births, neglects or refuses to file a proper certificate of birth with the local registrar within the time required by law, shall be fined not less than five dollars nor more than fifty dollars. (99 v. 305 § 21.)

MILK.

Section 12716. [Definition of adulterated milk.] In all prosecutions under this chapter, if milk is shown upon analysis to contain more than eighty-eight per cent of watery fluid, or to contain less than twelve percent of solids or three per cent of fats, it shall be deemed to be adulterated. (97 v. 119 § 4.)

Section 12717. [Sale of adulterated milk.] Whoever sells, exchanges, or delivers, or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, or milk from cows fed on wet distillery waste or starch waste, or from cows kept in a dairy or place which has been declared to be in an unclean or unsanitary condition by certificate of any duly constituted board of health or duly qualified health officer within the county in which said dairy is located, or from diseased or sick cows, shall be fined not less than fifty dollars nor more than two hundred dollars; and, for a second offense, shall be fined not less than one hundred dollars nor more than three hundred dollars, or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days. (99 v. 239 § 1.)

Section 12718. [Penalty for subsequent offense.] For a subsequent offense, a person violating the next preceding section shall be fined fifty dollars and imprisoned in the jail or workhouse not less than sixty days nor more than ninety days. (99 v. 230 § 7.)

Section 12719. [Misrepresentation as to pure milk.] Whoever sells, exchanges, delivers or has in his custody or possession with intent to sell or exchange, or exposes or offers for sale as pure milk, any milk from which the cream or part thereof has been removed, shall be fined not less than fifty dollars nor more than two hundred dollars. For a second offense he shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days, and, for a subsequent offense, shall be fined fifty dollars and imprisoned in the jail or workhouse not less than sixty days nor more than ninety days. (86 v. 229 § 2.)

Section 12720. [Skimmed milk.] Whoever sells, exchanges, delivers or has in his custody or possession with intent to sell, exchange or deliver, milk from which the cream or part thereof has been removed, unless in a conspicuous place above the center and upon the outside of each vessel, can or package, from which or in which such milk is sold, the words "skimmed milk" are distinctly marked in uncondensed gothic letters not less than one inch in length, shall be fined not less than fifty dollars nor more than two hundred dollars. (86 v. 229 § 3.)

Section 12721. [Subsequent offense.] For a second offense, a person violating the next preceding section shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the jail or workhouse not less than thirty days nor more than sixty days, and, for a subsequent offense, shall be fined fifty dollars and so imprisoned not less than sixty days nor more than ninety days. (86 v. 229 § 3.)

Section 12722. [Standard milk measure or pipette.] Whoever uses a standard measure of milk or cream other than that which is defined in this section, where milk or cream is purchased by or furnished to creameries or cheese factories and where the value of such milk or cream is determined by the per cent of butter fat contained therein by the Babcock test, shall be fined not less than twenty-five dollars nor more than one hundred dollars. In the use of the Babcock test the standard milk measures or pipettes shall have a capacity of 17.6 cubic centimeters and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters for each ten per cent marked on the necks thereof. The standard unit of cream for testing shall be eighteen grams. (97 v. 285, 286 §§ 1, 4.)

Section 12723. [Selling or offering incorrectly marked measures.] Whoever offers for sale or sells a milk pipette or measure,

test tube or bottle which is not correctly marked or graduated as provided in the next preceding section, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (97 v. 286 §§ 2, 4.)

Section 12724. [Manipulating the Babcock test.] Whoever, at a cheese factory, creamery, condensed milk factory or other place where milk is tested for quality or value, manipulates, underreads or overreads the Babcock test or any other contrivance used for determining the quality or value of milk or cream, or makes a false determination by the Babcock test or otherwise, shall be fined not less than twenty-five dollars nor more than one hundred dollars. (97 v. 286 §§ 3, 4.)

Section 12725. [Condensed milk.] Whoever manufactures, sells, exchanges, exposes or offers for sale or exchange, condensed milk unless it has been made from pure, clean, fresh, healthy, unadulterated and wholesome milk, from which the cream has not been removed and in which the proportion of milk solids shall be the equivalent of twelve per cent of milk solids in crude milk, twenty-five per cent of such solids being fat, and unless the package, can or vessel containing it is distinctly labeled, stamped or marked with its true name, brand, and by whom and under what name made, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 §§ 13, 15.)

Section 12726. Delivery of adulterated milk to cheese and butter factories.] Whoever, with intent to defraud, sells, delivers or causes to be delivered, to a cheese or butter factory, milk which is adulterated or diluted within the meaning of the law, or from which any cream has been taken, or from which the part known as "stripping" has been withheld, or keeps or renders a false account of the quantity or weight of milk furnished at or to a factory or sold to a manufacturer, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 §§ 9, 15.)

Section 12727. [Impure or unhealthy milk.] Whoever sells, exchanges, or offers for sale or exchange, unclean, impure, unhealthy or unwholesome milk shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 §§ 10, 15.)

Section 12728. [Milk falsely branded or labeled.] Whoever sells, exchanges, exposes, offers for sale or exchange, has in his possession or disposes of milk which is falsely branded, labeled, marked or represented as to grade, quantity or place where produced or procured, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 §§ 11, 15.)

Section 12729. [Keeping unhealthy cow.] Whoever keeps a cow for the production of milk in a cramped or unhealthy condition, or feeds it on unhealthy food, or on food which produces impure, unhealthy or unwholesome milk, shall be fined not less than fifty dollars nor more than two hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than five hundred dollars and imprisoned not less than ten days nor more than ninety days. (83 v. 180 §§ 12, 15.)

Section 12730. [Refilling milk and cream bottle.] Whoever fills or refills with milk, cream or other milk product a glass jar or bottle, with intent to sell such milk, cream or other milk product, unless such glass jar or bottle is first thoroughly cleansed or sterilized, shall be fined not more than one hundred dollars. (99 v. 454 § 2, 100 v. 17, § 3.)

FOODS AND DRUGS.

Section 12760. [Selling, etc., unwholesome provisions.] Whoever sells, offers for sale or has in possession with intent to sell, diseased, corrupted, adulterated or unwholesome provisions without making the condition thereof known to the buyer, shall be fined not more than fifty dollars or imprisoned twenty days, or both. (R. S. Sec. 6928.)

Section 12761. [Selling meat of calf less than four weeks old.] Whoever, for the purpose of selling, kills a calf less than four weeks old, or knowingly sells its meat or has such meat in his possession with intent to sell, shall be fined not more than fifty dollars or imprisoned twenty days, or both. (R. S. Sec. 6928.)

Section 12762. [Manufacture and sale of adulterated candy; samples.] Whoever manufactures for sale, sells or offers for sale, candy with an admixture of terra alba, barytes, talc or other mineral substance, or with poisonous colors or flavors or other ingredients deleterious or detrimental to health, or, being a manufacturer of or dealer in candy, refuses, upon demand and a tender of payment therefor, to

furnish a sample thereof for analysis, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both, and shall pay all costs and expenses incurred in inspecting and analyzing such adulterated candy which shall be forfeited and destroyed under the direction of the court. (83 v. 119 §§ 1, 2, 3.)

Section 12775. [Unlabeled canned fruits and vegetables.] Whoever, being a packer or dealer in preserved or canned fruits, vegetables or other articles of food, offers them for sale unless they bear a mark to indicate the grade or quality, and the name and address of the person, firm or corporation packing or dealing therein, except such as are brought from foreign countries, shall be fined not less than fifty dollars if a vendor, nor more than one thousand dollars if a manufacturer or packer. (82 v. 163 §§ 1, 3.)

Section 12776. [Falsely stamping fruit or vegetable packages.] Whoever falsely stamps or labels cans or jars containing preserved fruit, vegetables or other articles of food or knowingly permits such false stamping or labeling, shall be fined not less than five hundred dollars nor more than one thousand dollars; and whoever sells or offers to sell such cans or jars shall be fined not less than fifty dollars. (82 v. 163 § 3.)

Section 12777. [Label of "soaked" goods.] Whoever manufactures, sells or offers to sell "soaked" goods or goods put up from products dried before canning, without plainly marking them with an adhesive label having on its face the word "soaked," in letters not less in size than two line pica of solid and legible type, shall be fined not less than fifty dollars, if a vendor, and not less than five hundred dollars nor more than one thousand dollars, if a manufacturer or packer. (83 v. 73 § 2; 82 v. 163 § 3.)

Section 12778. [Board of health to prosecute under three preceding sections.] Every board of health shall prosecute a person, firm or corporation which it has reason to believe has violated any provision of the next three preceding sections; and, after deducting the costs of trial, retain the residue of fines recovered for the use of such board. (82 v. 163 § 3.)

MISCELLANEOUS.

Section 12779. [Feeding unwholesome offal or flesh to swine, etc.] Whoever feeds to animals, used for human food, the flesh of an animal which has become old, decrepit, infirm or sick, or which has

died from such cause, or offal or flesh that is putrid or unwholesome, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than thirty days, or both, and, for each subsequent offense, shall be fined not less than fifty dollars nor more than two hundred dollars or imprisoned not more than six months, or both. (R. S. Sec. 6928-1.)

Section 12780. [Animals dying from contagious diseases.] Whoever, being the owner of an animal dying of a contagious disease, within twenty-four hours after knowledge thereof or after notice in writing from the township trustees, fails to burn the body of such animal, or bury it not less than four feet below the surface of the ground or remove it in a water-tight tank to a fertilizing establishment, shall be fined not less than five dollars nor more than twenty dollars and pay all necessary expenses incurred in disposing of such animals. (R. S. Sec. 6923a.)

Section 12781. [Duty of township trustees.] In event of failure to comply with the next preceding section the township trustees shall have such body burned or buried and bring an action before a justice of the peace to recover fines, costs and expenses. (R. S. Sec. 6923a.)

Section 12782. [Fish offal.] Whoever takes one or more barrels of fish from any of the waters of this state and fails to bury the offals thereof at least two and a half feet beneath the surface of the earth, or burn them, within one day after such fish are taken and cleaned, shall be fined not less than five dollars nor more than fifty dollars before any justice of the peace of the county in which the offense was committed. (R. S. Sec. 4307.)

Section 12783. [Putting dead animals in canals.] Whoever wilfully places, or causes to be placed, a dead animal in a canal or slack water pool belonging to the state, shall be fined not less than five dollars nor more than twenty dollars. Such offender may be prosecuted before any justice of the peace in any county where he may be found. (38 v. 87 §§ 2, 3.)

Section 12784. [Jurisdiction of municipality to prevent water pollution.] Whoever pollutes a running stream, the water of which is used for domestic purposes by a municipality, by putting therein a putrid or offensive substance, injurious to health, shall be fined not less than five dollars nor more than five hundred dollars. The director of public service or board of trustees of public affairs of a municipal corporation shall enforce the provisions of this section. The jurisdiction of a municipal corporation to prevent the pollution of its water

supply and to provide penalty therefor, shall extend twenty miles beyond the corporation limits. (R. S. Sec. 2433.)

Section 12785. [Person with contagious disease in public place; infected property.] Whoever, while suffering from smallpox, cholera, plague, yellow fever, diphtheria, membranous croup or scarlet fever, wilfully or unlawfully exposes himself in a street, shop, inn, theater or other public place or public conveyance, or, being in charge of a person so suffering, so exposes such sufferer, or gives, lends, sells, transmits or exposes without previous disinfection by the board of health, bedding, clothing, rags or other thing, which have been exposed to infection from such disease, or knowingly lets for hire a house, room or part of a house in which a person has been suffering from such disease, prior to the disinfection thereof by the board of health, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both. (R. S. Sec. 2127.)

Section 12786. [First offense.] A person violating the next preceding section shall not be imprisoned for the first offense, and the prosecution shall always be as and for the first offense unless the affidavit on which it is instituted contains a contrary allegation. (R. S. Sec. 2127.)

Section 12787. [Failure to report infant with diseased eyes.] Whoever, being a midwife, nurse or relative in charge of an infant less than ten days old, fails within six hours after the appearance thereof, to report in writing to the physician in attendance upon the family, or if there be no such physician, to a health officer of the city, village or township in which such infant is living, or, in case there be no such officer, to a practitioner of medicine legally qualified to practice, that such infant's eye is inflamed or swollen or shows an unnatural discharge, if that be the fact, shall be fined not less than five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than six months, or both. (91 v. 75 §§ 1, 2.)

Section 12789. [Violating law relating to maternity boarding-houses and lying-in hospitals.] Whoever violates any provision of law relating to the establishment, maintenance and inspection of maternity boarding-houses and lying-in hospitals, shall be fined not more than three hundred dollars or imprisoned not more than one year, or both. (99 v. 16 § 15.)

Section 12795. [Altering certificate of birth.] Whoever wilfully alters a certificate of birth or death, or a copy thereof on file in the office of the local or state registrar of vital statistics shall be fined

not less than ten dollars nor more than one hundred dollars or imprisoned in jail not more than sixty days, or both. (99 v. 305 § 21.)

Section 12796. [Violating law relating to vital statistics.] Whoever violates a provision of law relating to the bureau of vital statistics and the prompt and permanent registration of all births and deaths occurring in this state, or wilfully neglects or refuses to perform any duty imposed upon him by the provisions of such law, or furnishes false information to a physician, undertaker, midwife or informant for the purpose of making incorrect certification of births or deaths shall be fined not less than five dollars nor more than one hundred dollars. (99 v. 305 § 21.)

Section 12797. [Unsanitary bakery, creamery, packing house, etc.] Whoever, being the proprietor, owner or manager of a bakery, confectionery, creamery, dairy, dairy barn, milk depot, laboratory, hotel, restaurant, eating house, packing house, slaughter house, ice cream factory, or place where a food product is manufactured, packed, stored, deposited, collected, prepared, produced or sold for any purpose, fails to place it in a clean and sanitary condition within the time stated in the notice provided for in the next succeeding section, or fails to keep it in such condition thereafter, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both. (100 v. 14, 15 §§ 1, 3.)

Section 12798. [Duty of dairy and food commissioner.] If the dairy and food commissioner or any of his assistants, inspectors or agents, is of the opinion that a place named in the next preceding section is being operated in violation of such section he shall notify the proprietor, owner or manager thereof, in writing, to place it in a clean and sanitary condition within a reasonable time to be stated in such notice, which time shall not be less than ten days. (100 v. 15 § 2.)

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